



OROVILLE PLANNING COMMISSION

Council Chambers
1735 Montgomery Street
Oroville, CA. 95965

July 22, 2021
REGULAR MEETING
6:00 PM
AGENDA

COVID-19 AND PUBLIC ACCESS AND PARTICIPATION

The Oroville City Council Chambers are open to the public. To view the meeting or provide comment, please see the options below. All comments emailed will be provided to the Council Members for their consideration. To prevent the spread of COVID-19 and to comply with the time limit regulations for individuals to provide comments to the Council, each device or phone number will only be allowed once per item. Multiple individuals may not share the same device to provide public comment.

To View the Meeting:

1. Watch our live feed <https://www.youtube.com/channel/UCAoRW34swYI85UBfYqT7IbQ/>

To Provide Comment to the Board:

1. Email before the meeting by 2:00 PM your comments to publiccomment@cityoforoville.org
2. Join the meeting virtually via Zoom – Join Zoom Meeting
<https://zoom.us/j/99508232402?pwd=aThZc1BsUG9sWnhNYnlwZHZZdFFrQT09>
Meeting ID: 995 0823 2402
Passcode: **17351735**
3. Join the meeting by telephone (audio only):
Telephone: 1-669-900-9128
Meeting ID: 995 0823 2402
Passcode: **17351735**
4. Attend in person following social distancing guidelines

To provide comment via zoom, you will need to use the raise hand function in Zoom. For those accessing the meeting from a computer or smartphone, that raise hand feature can be selected by clicking or tapping it. For members of the public utilizing a telephone (audio only) to access the meeting, you can use the raise hand feature when the item for which you desire to provide comment is called by pressing *9 on your keypad to raise your hand. When it is your turn to speak, you will be called upon by the last 4 digits of your phone number, if available.

If you would like to address the Commission at this meeting, you are requested to complete the blue speaker request form (located on the wall by the agendas) and hand it to the City Clerk, who is seated on the right of the Council Chamber. The form assists the Clerk with minute taking and assists the Mayor or presiding chair in conducting an orderly meeting. Providing personal information on the form is voluntary. For scheduled agenda items, please submit the form prior to the conclusion of the staff presentation for that item. The Commission has established time limitations of two (2) minutes per speaker on all items and an overall time limit of thirty minutes for non-agenda items. If more than 10 speaker cards are submitted for non-agenda items, the time limitation would be reduced to one and a half minutes per speaker. **(California Government Code §54954.3(b)). Pursuant to Government Code Section 54954.2, the Commission is prohibited from taking action except for a brief response from the Council or staff to statements or questions relating to a non-agenda item.**

CALL TO ORDER / ROLL CALL

Commissioners: Tammy Flicker, Michael Britton, Glenn Arace, Natalie Sheard, Marissa Hallen, Vice Chairperson Wyatt Jenkins, Chairperson Carl Durling,

OPEN SESSION

Pledge of Allegiance

PUBLIC COMMUNICATION - HEARING OF NON-AGENDA ITEMS

This is the time to address the Commission about any item not listed on the agenda. If you wish to address the Commission on an item listed on the agenda, please follow the directions listed above.

PUBLIC HEARINGS

The Public Hearing Procedure is as follows:

- Mayor or Chairperson opens the public hearing.
- Staff presents and answers questions from Council
- The hearing is opened for public comment limited to two (2) minutes per speaker. In the event of more than ten (10) speakers, time will be limited to one and a half (1.5) minutes. Under Government Code 54954.3, the time for each presentation may be limited.
- Public comment session is closed
- Commission debate and action

1. MINOR USE PERMIT UP21-06 FOR ALCOHOL SALES AT MIS REINAS CARNICERIA AT 1933 ORO DAM BLVD SUITE E

The Oroville Planning Commission will review and consider approving Use Permit No. UP21-06 to allow the applicant to conduct alcohol sales at the new Mis Reinas Carniceria at 1933 Oro Dam Blvd Ste E

RECOMMENDATION

Conduct a Public Hearing on the proposed project;

Adopt the Notice of Exemption as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA);

Adopt the recommended Findings for Use Permit No. UP21-06;

Approve Use Permit UP21-06 and recommended Conditions of Approval;

Approve a Letter of Public Convenience or Necessity, should it be determined by ABC that an overconcentration exists;

Adopt Resolution No. P2021-09

2. SEIDENGLANZ PARCEL AT 1245 ORO DAM BLVD REZONE TO M-2 AND GENERAL PLAN AMENDMENT TO INDUSTRIAL

The Oroville Planning Commission will review and consider recommending that the City Council approve General Plan Amendment GPA 21-01 and Zoning Code Amendment ZC 21-01 for 39-acre parcel at 1245 Oro Dam Boulevard (APN 035-270-016).

RECOMMENDATION

Certify the Notice of Exemption

Recommend that the City Council approve General Plan Amendment GPA 21-01

Recommend that the City Council approve Zoning Code Amendment ZC 21-01

Adopt Resolution No. P2021-08 -- A RESOLUTION OF INTENTION BY THE OROVILLE PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL ADOPT GENERAL PLAN AMENDMENT 21-01 AND ZONING CODE AMENDMENT ZC 21-01 FOR A 39 ACRE PARCEL AT 1245 ORO DAM BOULEVARD EAST (PARCEL # 035-270-016).

3. TENATIVE PARCEL MAP WAIVER 21-02 (APN 031-110-037)

The Oroville Planning Commission will review and consider approving a Parcel Map Waiver for a lot split to facilitate Phase 3 of the Olive Ranch Affordable Housing development along Table Mountain Boulevard at the end of Tuscan Villa Drive. The map will split one lot into two lots.

RECOMMENDATION

Approve the recommended Parcel Map Waiver subject to any conditions imposed by the City Engineer;

Adopt Resolution No. P2021-10

4. ZONING CODE CHANGE TO ALLOW APPELLANTS A SPECIFIC RESPONSE TIME

The Oroville Planning Commission will review and consider recommending that the City Council revise OMC 17.56.100 to allow an appellant up to 20 minutes to present his or her case, and up to another 10 minutes to deliver any rebuttal remarks.

RECOMMENDATION

Recommend that the City Council Approve the specified changes to OMC 17.56.100

REPORTS / DISCUSSIONS / CORRESPONDENCE

5. Presentation - Orange and Olive groves and their historical significance in relation to EW Fogg and Freda Ehmann
6. Discussion related to the Process for Project Denials
7. Director Reports
8. Commissioner Reports

ADJOURN THE MEETING

The meeting will be adjourned. A regular meeting of the Oroville Planning Commission will be held on August 26, 2021 at 6:00 PM.

Accommodating Those Individuals with Special Needs – In compliance with the Americans with Disabilities Act, the City of Oroville encourages those with disabilities to participate fully in the public meeting process. If you have a special need in order to allow you to attend or participate in our public meetings, please contact the City Clerk at (530) 538-2535, well in advance of the regular meeting you wish to attend, so that we may make every reasonable effort to accommodate you. Documents distributed for public session items, less than 72 hours prior to meeting, are available for public inspection at City Hall, 1735 Montgomery Street, Oroville, California.

Recordings - All meetings are recorded and broadcast live on cityoforoville.org and YouTube.

Planning Commission Decisions - Any person who is dissatisfied with the decisions of this Planning Commission may appeal to the City Council by filing with the Zoning Administrator within fifteen days from the date of the action. A written notice of appeal specifying the grounds and an appeal fee immediately payable to the City of Oroville must be submitted at the time of filing. The Oroville City Council may sustain, modify or overrule this decision.



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street
 Oroville, CA 95965-4897
 (530) 538-2430 FAX (530) 538-2426
www.cityoforoville.org

PLANNING COMMISSION STAFF REPORT

Thursday, July 22, 2021

RE: Minor Use Permit UP21-06 for Alcohol Sales at the Mis Reinas Carniceria at 1933 Oro Dam Blvd Suite E

SUMMARY: The Oroville Planning Commission will review and consider approving Use Permit No. UP21-06 to allow the applicant to conduct alcohol sales at the new Mis Reinas Carniceria at 1933 Oro Dam Blvd Ste E

RECOMMENDATION: Staff recommends the following actions:

1. **Conduct a Public Hearing** on the proposed project;
2. **Adopt the Notice of Exemption** as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA);
3. **Adopt** the recommended Findings for Use Permit No. UP21-06;
4. **Approve** Use Permit UP21-06 and recommended Conditions of Approval;
5. **Approve** a Letter of Public Convenience or Necessity, should it be determined by ABC that an overconcentration exists;
6. **Adopt** Resolution No. P2021-09

APPLICANT: Krista Garritano with Liquor License Agents

LOCATION: 1933 Oro Dam Blvd Ste E
 (APN 035-050-103)

GENERAL PLAN: MU (Mixed Use)
ZONING: MXC (Corridor Mixed Use)
FLOOD ZONE: Zone X

ENVIRONMENTAL DETERMINATION: Categorically Exempt per Section 15301 of Title 14, California Code of Regulations, Existing Facilities.

REPORT PREPARED BY:

 Connor Musler, Assistant Planner
 Community Development Department

REVIEWED BY:

 Dawn Nevers, Assistant Director
 Community Development Department

DISCUSSION

Krista Garritano with Liquor License Agents has applied for a Use Permit on behalf of the store owner to allow for alcohol sales to be conducted at the recently opened Mis Reinas Carniceria at 1933 Oro Dam Blvd Ste. E. According to the Oroville Municipal Code (OMC), a market or convenience store would be considered Food and Beverage Sales or General Retail, which is a use permitted by right, subject to a zoning clearance, in an MXC zone. Alcoholic beverage sales require a Use Permit.

The applicant is proposing two ABC licenses for the carniceria:

1. A Type 41 license is to allow for beer and wine for on-site consumption in the on-site restaurant.
2. A Type 20 license is to allow for beer and wine sales for off-site consumption to allow for alcoholic beverages to be sold alongside other grocery/market offerings.

The carniceria occupies 5,500 sq ft with a 380 sq ft patio in the Oroville Plaza Shopping Center. The space was previously occupied by the former Blueberry Twist restaurant, and most recently a Chinese buffet. The property is currently zoned Corridor Mixed Use (MXC).

Alcohol Sales: The proposed liquor store is located in Census Tract 0031.01 which includes the South Oroville area south of Oro Dam Blvd, east of Lincoln Blvd, north of Oro Bangor Hwy, and west of Lower Wyandotte. Within the immediate vicinity of the carniceria, there are 3 retailers that sell alcoholic beverages:

1. 1901 Oro Dam Blvd (Mountain Mikes Pizza) – License Type 41 – On-Sale Beer and Wine – Eating Place
2. 1911 Oro Dam Blvd (Dollar Tree) – License Type 20 – Off-Sale Beer and Wine
3. 1835 Oro Dam Blvd (Taco Tijuana) – License Type 40 – On-Sale Beer

If it is determined by the Department of Alcoholic Beverage Control (ABC) that an overconcentration of licenses exists, a letter of public convenience or necessity (PCN) will be required. Staff is requesting that the commission, should they approve UP 21-06, to also preemptively authorize a PCN letter to be sent to ABC.

Required Findings for Alcohol Sales (OMC 17.16.160)

Before approving a use permit for alcohol sales, the Planning Commission must consider each of the following issues and make appropriate findings (Staff's comments are in *italics, draft findings are in the Resolution*):

1. The nature of all land uses within 500 feet of the proposed alcoholic beverage sales, and in particular, the location of similar nearby uses and the location of residences, parks, schools and houses of worship.

The market is located off Oro Dam and Lincoln Blvd's in close proximity to similar retail and food stores. There are not any nearby assembly areas and

the closest residences are to the rear of the shopping center along Myers St.

2. Appropriate measures to provide proper maintenance of the building exterior, including provisions to keep the premises free of litter and debris.

The requirement is added to the project conditions. Applicant took over a location with plenty of garbage and other issues with the property and has worked with Code compliance to meet all city requirements for proper maintenance. Applicant will complete exterior painting in accordance with the agreed color scheme.

3. Lighting of exterior areas, including parking lots, to discourage loitering outside of the building.

The requirement is added to the project conditions.

4. Protection of adjacent properties from noise, odors and undue light and glare, as well as illegal activity.

This requirement is added to the project conditions. Code compliance officers will monitor for compliance on an ongoing basis.

5. Provision of onsite security, both inside and outside the building, to satisfy any concerns raised by the chief of police.

This requirement is added to the project conditions. Code compliance officers will monitor for compliance on an ongoing basis.

6. Hours of operation.

Applicant states that the hours of operation are from 8:00 a.m. to 8:00 p.m. daily.

7. Controls on occupancy limits inside of the building and loitering outside of the building.

This requirement is added to the project conditions. Code compliance officers will monitor for compliance on an ongoing basis.

8. Prevention of adverse effect of the use on the value of adjacent properties.

As part of a multi-tenant shopping center, this restaurant is likely to enhance the patronage and thus the value of adjacent properties;

9. Whether approval would result in an undue concentration of these uses, and whether public convenience or necessity would mitigate the issue of undue concentration.

The Police Department and ABC determine if there is an undue concentration in the area. At this time there is no indication of an overconcentration.

FISCAL IMPACT

None. The project is subject to all customary fees.

PUBLIC NOTICE

A request for comments was prepared and circulated to the local agencies and surrounding property owners within 500 feet of the property. Additionally, the meeting date, time, and project description were published in the Oroville Mercury Register and posted at City Hall.

ATTACHMENTS

1. Resolution P2021-09
2. Notice of Exemption (CEQA)
3. Application Package
4. Security Plan

RESOLUTION NO. P2021-09

A RESOLUTION OF THE OROVILLE PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING MINOR USE PERMIT UP21-09 FOR ALCOHOL SALES AT MIS REINAS CARNICERIA AT 1933 ORO DAM BLVD SUITE E

WHEREAS, the City has received an application for alcoholic beverage sales at 1933 Oro Dam Blvd; and

WHEREAS, The City of Oroville Municipal Code (OMC) Section 17.16.160 specifies that a Use Permit is required to sell alcohol; and

WHEREAS, at a duly noticed public hearing, the Planning Commission considered the comments and concerns of public agencies, property owners, and members of the public who are potentially affected by the approval of the use permit described herein, and also considered the City's staff report regarding the change.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION as follows:

1. This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 "Existing Facilities."
2. The Planning Commission approves the findings required by Section 17.16.160 of the Oroville City Code, as described in this Resolution;
3. The Planning Commission approves the permit Conditions described in this Resolution.
4. The Planning Commission approves a letter of public convenience or necessity to satisfy ABC requirements.

REQUIRED FINDINGS (OMC 17.16.160)

1. The nature of all land uses within 500 feet of the proposed alcoholic beverage sales, and in particular, the location of similar nearby uses and the location of residences, parks, schools and houses of worship.
The market is located off Oro Dam and Lincoln Blvd's in close proximity to similar retail and food stores. There are not any nearby assembly areas and the closest residences are to the rear of the shopping center along Myers St.
2. Appropriate measures to provide proper maintenance of the building exterior, including provisions to keep the premises free of litter and debris.

The requirement is added to the project conditions. Applicant took over a location with plenty of garbage and other issues with the property and has worked with Code compliance to meet all city requirements for proper maintenance. Applicant will complete exterior painting in accordance with the agreed color scheme.

- 3. Lighting of exterior areas, including parking lots, to discourage loitering outside of the building.

The requirement is added to the project conditions.

- 4. Protection of adjacent properties from noise, odors and undue light and glare, as well as illegal activity.

This requirement is added to the project conditions. Code compliance officers will monitor for compliance on an ongoing basis.

- 5. Provision of onsite security, both inside and outside the building, to satisfy any concerns raised by the chief of police.

This requirement is added to the project conditions. Code compliance officers will monitor for compliance on an ongoing basis.

- 6. Hours of operation.

Applicant states that the hours of operation are from 8:00 a.m. to 8:00 p.m. daily.

- 7. Controls on occupancy limits inside of the building and loitering outside of the building.

This requirement is added to the project conditions. Code compliance officers will monitor for compliance on an ongoing basis.

- 8. Prevention of adverse effect of the use on the value of adjacent properties.

As part of a multi-tenant shopping center, this restaurant is likely to enhance the patronage and thus the value of adjacent properties;

- 9. Whether approval would result in an undue concentration of these uses, and whether public convenience or necessity would mitigate the issue of undue concentration.

The Police Department and ABC determine if there is an undue concentration in the area. At this time there is no indication of an overconcentration. The Planning Commission

CONDITIONS OF APPROVAL

General Conditions

- 1. The applicant shall hold harmless the City, its Council members, Planning Commissioners, officers, agents, employees, and representatives from liability for any award, damages, costs, and/or fees incurred by the City and/or awarded to any plaintiff in an action challenging the

validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.

2. The project shall remain in substantial conformance with the Conditions of Approval, as adopted by the Oroville Planning Commission. Any subsequent minor changes in the project (as determined by the Zoning Administrator) may only occur subject to appropriate City review and approval. Any subsequent substantive changes in the project (as determined by the Zoning Administrator) may only occur subject to discretionary review by the Oroville Planning Commission.
3. The applicant shall annually pay for and obtain a City of Oroville business license.
4. All private facilities, improvements, infrastructure, systems, equipment, common areas, etc. shall be operated and maintained by the applicant in such a manner, and with such frequency, to ensure the public health, safety and general welfare.
5. All costs of operation and maintenance of private facilities, improvements, infrastructure, systems, equipment, common areas, etc. shall be the responsibility of the applicant.
6. Pursuant to Section 17.12.010, the proposed use of the site shall conform to the performance standards of the Oroville Municipal Code to minimize any potential negative effects that the building, structure, lighting or use could have on its surroundings, and to promote compatibility with surrounding uses and areas.
7. Applicable construction plans, calculations, specifications, applications, forms, etc. shall be submitted to the Building Division for review prior to the start of any construction activities requiring a building permit. All applicable plan review and development impact fees shall be paid at time of submittal.
8. The applicant shall ascertain and comply with the requirements of all of City, County, State, Federal, and other local agencies as applicable to the proposed project.
9. The project shall comply with the City's noise ordinance as found in the OMC Chapter 9.20.
10. Pursuant to Section 17.48.010(F) of the City Code, the Planning Commission, upon its own motion, may modify or revoke any use permit that has been granted pursuant to the provisions of this section upon finding any of the following, based on substantial evidence:
 - I. Any of the conditions of the permit have not been satisfied within 1 year after it was granted.
 - II. Any of the terms or conditions of the permit have been violated.
 - III. A law, including any requirement in the Municipal Code Chapter 17, has been violated in connection with the permit.
 - IV. The permit was obtained by fraud.
11. Applicant hereby certifies that any and all statements and information provided as part of the application are true and correct to the best of their knowledge and belief. Any misinformation provided, whether intentional or unintentional, that was considered in the issuance of this permit may be grounds for revocation.

Project-specific conditions

1. The applicant shall provide A.B.C correspondence confirming the status of any permits, and whether an overconcentration of this type of store/license exists.

2. Any roof mounted roof mounted or ground placed utilities (HVAC, generators, etc.) shall include an architecturally compatible method of screening. This can include screening by landscaping or a decorative fence for ground placed utilities.
3. Building shall be addressed per City requirements. Building numbers shall comply with City Code 17.20.050(A).
4. A refuse collection enclosure shall be provided in accordance with City Code 17.12.110. The refuse area shall be large enough to provide adequate storage for solid waste and recyclable materials generated by the use.
5. The applicant shall submit to the City details of exterior lighting for review and approval.
6. The exterior paint color shall be returned to the original color scheme currently present in the shopping center.
7. No more than 25% of the window area shall be covered with signs. This includes both permanent and temporary signs used to identify the business, products sold, or services offered.
8. The applicant and/or the property owner shall remove the former Chinese Buffet signage as required by OMC 17.20.030. Any new signage shall the proper permits and approvals to be received in accordance with Chapter 17.20 of the OMC.
9. The exterior of the building, including windows and doors, shall be maintained, and with such frequency, to ensure the public health, safety and general welfare of the city.
10. Windows and doors shall not be boarded up or blocked unless the appropriate approvals are received to ensure the public health, safety and general welfare. This does not include the use of plywood or other material used to cover a window for a temporary period of time that constitutes a safety hazard and/or invites trespassers and malicious mischief.
11. Minor changes may be approved administratively by the Community Development Director or designee upon receipt of a written request by the applicant or designee. Changes deemed to be major or significant in nature shall require a formal application for amendment.
12. Applicant and/or property owner will take appropriate measures to provide property maintenance of the building exterior, including provisions to keep the premise free of litter and debris.
13. Applicant and/or property owner shall ensure adequate lighting of exterior areas, including parking lots, to discourage loitering outside of the buildings.
14. Applicant and/or property owner will ensure protection of adjacent properties from noise, odors and undue light and glare, as well as illegal activity.
15. Applicant and/or property owner will maintain adequate onsite security, both inside and outside the building, to satisfy any concerns raised by the chief of police or general public. Substantial camera surveillance will suffice.

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at a regular meeting of the Planning Commission of the City of Oroville held on the 22nd of July 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

JACKIE GLOVER, ASSISTANT CITY CLERK

CARL DURLING, CHAIRPERSON



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2430 FAX (530) 538-2426
www.cityoforoville.org

NOTICE OF EXEMPTION

TO	Butte County Clerk	FROM	City of Oroville
:	155 Nelson Avenue Oroville, CA 95965	:	1735 Montgomery Street Oroville, CA 95965

Project Title: Minor Use Permit UP21-06 for Alcohol Sales at Mis Reinas Carniceria at 1933 Oro Dam Blvd Ste E

Project Location – Specific: 1933 Oro Dam Blvd Ste E

Project Location - City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: Krista Garritano is applying for a use permit on behalf of the store owner to allow for the sale alcoholic beverages for on-site consumption in the restaurant and off-site consumption in the grocery store.

Name of Public Agency Approving Project: City of Oroville

Name of Person or Agency Carrying Out Project: Krista Garritano.

Exempt Status (Check One):

- Ministerial (Sec. 21080(b)(1); 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- Categorical Exemption: State type & section number:
 - General Rule Exemption; Title 14, CCR, §15061(b)(3)
 - Existing Facilities, Title 14, CCR, §15301
- Statutory Exemption: State code number:

Reasons why project is exempt: This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review as follows:

General Rule Exemption; Title 14, CCR, §15061(b)(3)

A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. It has been determined that there is no possibility that the use will have a significant effect on the environment. Thus, this action is exempt from CEQA.

Existing Facilities, Title 14, CCR, §15301

Class 1 categorical exemptions consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, in particular, no changes to the existing structure are proposed. All changes are interior and to the exterior of the building, all within an existing multi-tenant shopping center.

If filed by applicant:

- 1. Attach certified document of exemption finding.
- 2. Has a notice of exemption been filed by the public agency approving the project? Yes No

Lead Agency Contact Person: Wes Ervin

Telephone: (530) 538-2408

Signature: _____

Date: _____

- Signed by Lead Agency
- Signed by Applicant



City of Oroville

Planning Division - Community Development Department

1735 Montgomery Street
 Oroville, CA 95965-4897
 (530) 538-2430 FAX (530)
 538-2426 www.cityoforoville.org

Leonardo DePaola
 DIRECTOR

TRAKIT#:

USE PERMIT APPLICATION

(Please print clearly and fill in/provide all that apply)

REQUIRED FOR A COMPLETE APPLICATION		PERMIT TYPE	
<input type="checkbox"/>	Completed and signed Application Forms	<input checked="" type="checkbox"/>	New Use Permit: \$2,889.98 (Deposit) + \$173.40(6% Tech Fee) = \$3,063.38
<input type="checkbox"/>	Application Fee Paid	<input type="checkbox"/>	Amendment to Existing Use Permit: \$1,024.09 + \$61.45 (6% Tech Fee) = \$1,085.54

PROJECT PLANS

All plans and drawings shall be drawn to scale to the extent feasible and shall indicate the full dimensions, contours and other topographic features and all information necessary to make a full evaluation of the project. Please include the following:

1. **Site and floor plans**, including the location, square footage and use of all structures.
2. **Architectural drawings** showing proposed building elevations.
3. Landscape plans showing the types, sizes and location of vegetation to be planted and the irrigation system to be installed
4. Plans for the configuration & layout of all off-street parking spaces, including entrances, exits and internal circulation routes.
5. Plans for all lighting to be installed on the site, including the location, type, height and brightness of each lighting fixture.
6. **Drawings of all signs** that are proposed in association with the project.
7. Plans showing the location, sq footage and capacity of any existing or proposed surface storm-water detention facilities.
8. Plans showing the location and square footage of any existing or proposed outdoor storage areas.
9. Descriptions of any off-site infrastructure improvements to be provided in conjunction with the project.
10. Hours of operation for all proposed land uses.
11. Number of employees and fleet vehicles for all proposed land uses
12. **A letter authorizing the use permit application from the owner of the property.**

CLASSIFICATION

<input checked="" type="checkbox"/>	Alcohol & Beverage Sales	Nonconforming Uses & Structures	Uses in Industrial Districts
<input type="checkbox"/>	Agricultural Uses	Outdoor Storage	Uses Mini-Storage Overlay(MS-O)
<input type="checkbox"/>	Animal Keeping (Commercial)	Parking Requirement Exceptions	Uses in Residential Districts
<input type="checkbox"/>	Barbed/Razor Wire Fence	Temporary Use	Uses in Special Purpose Districts
<input type="checkbox"/>	Density Bonus & Other Incentives	Uses in a Conditional Overlay (C-O)	Uses not Specified but Allowed
<input type="checkbox"/>	Exceptions to Height Limits	Uses in Commercial & Mixed-Use Districts	Wireless Communication Facilities
<input type="checkbox"/>	Other: (Please Specify)		

APPLICANT'S SIGNATURE

I hereby certify that the information provided in this application is, to my knowledge, true and correct.

Signature:  Date: 5-12-21

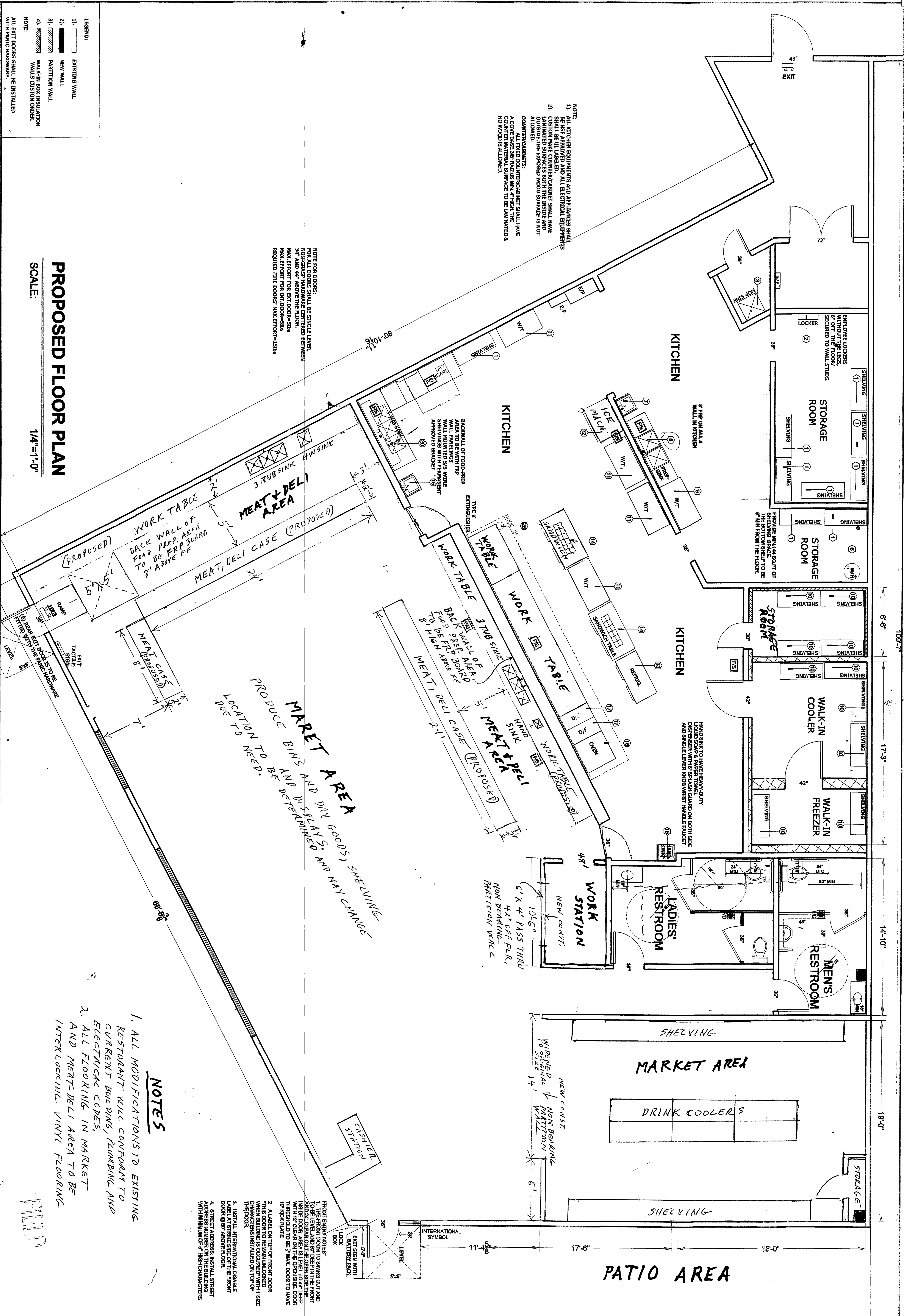
OFFICE USE ONLY

Approved By: _____ Date: _____
 Payment: _____ Number: _____

PROJECT DESCRIPTION	
Present or Previous Use:	Restaurant
Proposed Use:	Restaurant
<p>Detailed Description:</p> <p>The applicant is requesting a conditional use permit to allow the sale and dispensing of beer and wine for on-site and off-site consumption in conjunction with a 2,052 square foot restaurant and 3,448 square foot market with hours of operation from 8:00am to 8:00pm daily. The subject premise is located at 1933 Oro Dam Boulevard Suite E and measures a total of 5,500 square feet with an additional 380 square foot patio area equipped with 8 tables and 32 seats. The premise, which will be known as Mis Reinas Carniceria, will be divided into two sections, with the first made up of a restaurant and kitchen area where a full menu will be offered to customers looking to have a meal, and the second a carniceria market area for those customers looking to pick up some groceries, packaged meals, meats and household items. The applicant is requesting a conditional use permit to allow the on-site consumption of beer and wine for those customers coming to the location to dine in and the off-site consumption of beer and wine for those customers looking to shop at the market and bring their alcohol beverages back home to accompany their self made meals.</p> <p>The grant is requested as a convenience to the patrons to allow for an all inclusive experience at the premise. The applicant is currently applying for a Type 41 ABC license and Type 20 ABC license concurrently with this application. The applicant is a current licensee with the Department of Alcoholic Beverage Control and is the owner of another carniceria located in Colusa which is operating with a Type 20 license. As a result, the applicant is well versed in the rules and regulations when operating with a license. Each employee will be trained in proper procedures for selling alcoholic beverages and observing behaviors within the premise. Safety is a priority of the applicant for both the customers and employees. The premise is equipped with eight interior surveillance cameras and four exterior cameras to monitor activity. All surveillance videos will be maintained for at least 30 days and made available to local enforcement if requested.</p> <p>The subject location is located within a shopping center with mixed commercial uses such as The Dollar Tree, Big Lots, Salvation Army and a furniture store. The use is consistent with the surrounding uses and zoning. There is a private parking lot dedicated to the businesses in the shopping center with 20 spaces assigned to the subject location. There are no residents within 100 feet of the premise and the use will not cause any disruption to the surrounding businesses or other nearby residents. This is a family owned business looking to service the area with its dining and market availability. The hours are respectful and align with the benefit of the community. The applicant is directly involved with the daily activities, training and security of the business ensuring a responsible and safe environment for all individuals. The applicant understands the importance of maintaining a secure environment and strives to contribute to the integrity of the existing neighborhood's character. Any conditions imposed will further safe guard the community.</p>	

The Community Development Department operates on a full cost recovery for processing of permits. Staff will charge their time and any expenses associated with processing the application against the initial deposit. Fees that have been captured for the reimbursement of City expenses are non-refundable.

Technology cost recovery fees are non-refundable



- LEGEND:
- 1) [Symbol] EXISTING WALL
 - 2) [Symbol] NEW WALL
 - 3) [Symbol] PARTITION WALL
 - 4) [Symbol] WALL IN BOX INSULATION WALLS CUSTOM ORDER
- NOTE:
ALL EXIT DOORS SHALL BE INSTALLED WITH PANIC HOLLOWWARE

PROPOSED FLOOR PLAN

SCALE: 1/4"=1'-0"

NOTE FOR DOORS:
FOR ALL DOORS SHALL BE SINGLE LEAF, 34" AND 44" ABOVE THE FLOOR. MAX EFFORT FOR INT. DOOR-5LBS REQUIRED FIRE DOORS' MAX EFFORT-15LBS

NOTE:
1) ALL KITCHEN EQUIPMENTS AND APPLIANCES SHALL BE NSF APPROVED AND ALL ELECTRICAL EQUIPMENTS SHALL BE UL LABELED.
2) LIGHTING FIXTURES SHALL HAVE LISTED SURFACE MOUNT INSIDE AND OUTSIDE. THE EXPOSED WOOD SURFACE IS NOT ALLOWED.
COUNTERCABINETS:
ALL FRUIT COUNTERCABINETS SHALL HAVE A COMBINATION OF FRUIT AND VEGETABLE COUNTER MATERIAL SURFACE TO BE LAMINATED & NO WOOD IS ALLOWED.

MARLET AREA
PRODUCE BINS AND DRY GOODS, AND MAY CHANGE LOCATION TO BE DETERMINED.

NOTES

1. ALL MODIFICATIONS TO EXISTING RESTAURANT WILL CONFORM TO CURRENT BUILDING, PLUMBING AND ELECTRICAL CODES.
2. ALL FLOORING IN MARKET AND MEAT-DELI AREA TO BE INTERLOCKING VINYL FLOORING.

FRONT DOOR NOTES:
1. DOOR TO SWING OUT AND TO BE LEVEL AND 67 DEEP IN THE FRONT AND 24" CLEAR ON THE OPEN SIDE. THE INSIDE DOOR AREA IS LEVEL TO 67 DEEP AND 24" CLEAR ON THE INSIDE. THE DOOR THRESHOLD TO BE 2" MAX. DOOR TO HAVE 10" RICK PLATE.
2. A LABEL ON TOP OF FRONT DOOR SHALL BE INSTALLED WITH 1" SIZE CHARACTERS INSTALLED ON TOP OF THE DOOR.
3. INSTALL INTERNATIONAL DISABLE LABEL AT STRIKE SIDE OF THE FRONT DOOR @ 67" ABOVE FLOOR.
4. STREET ADDRESS, INSTALL STREET ADDRESS NUMBER ON THE BUILDING WITH MINIMUM OF HIGH CHARACTERS

PROJECT TITLE:
MIS REINAS CARNICERIA
1933 ORO DAM BLVD OROVILLE CA

REMODEL OF EXISTING RESTAURANT

SHEET
A-2
OF SHEETS

Designed by:
Date: 10-11-20
Scale: AS SHOWN
Drawn:
Job:

PROPOSED FLOOR PLAN

REVISIONS	By

REVISIONS

By	

PROJECT TITLE: **REMODEL OF EXISTING MIS REINAS CARNICERIA**

1988 ORO DAM BLVD GROVELLE CA

PLUMBING LAY-OUT NOTES

Designed by: _____

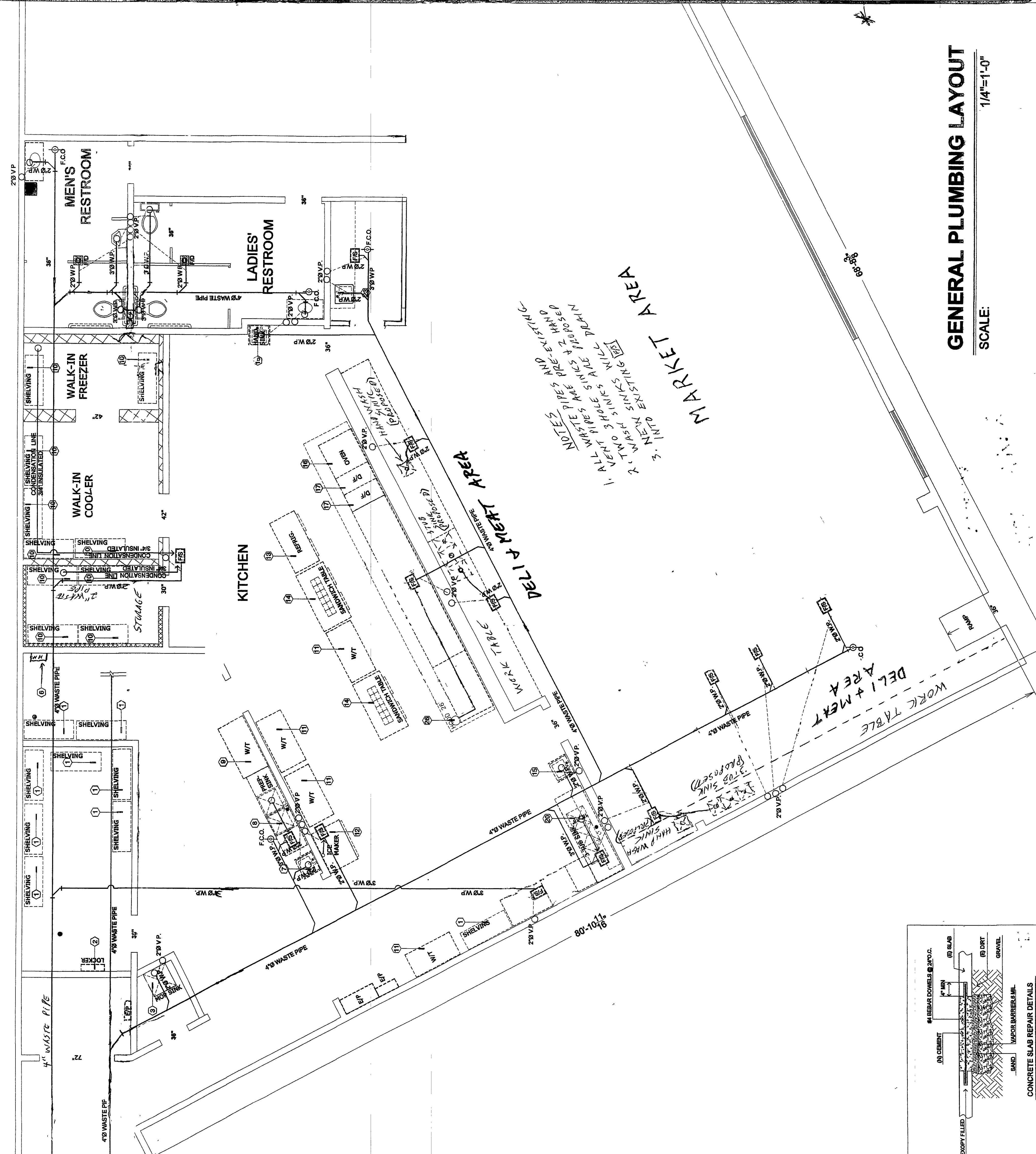
Date: **10-11-20**

Scale: **AS SHOWN**

Drawn: _____

Job: _____

SHEET **P-1** OF SHEETS



GENERAL NOTES:

- ALL F/D SHALL HAVE TRAP PRIMER
- ALL WASTE PIPING SHALL DRAIN WITH $\frac{1}{8}$ " PER FOOT.
- HOT WATER DELIVERED FROM LAVATORY SINK SHALL BE LIMITED TO 120°F.

THE PLUMBING CONTRACTOR SHALL VERIFY THE EXISTING MAIN WASTE LINE LOCATION. INDOOR WATER USE EFFICIENCY TABLE:

FIXTURE	QUANTITY	COMMERCIAL
1. FOR LAV. SINK:		
FAUCET TO BE 0.4 GPM @ 60 PSI MAX. WITH A THERMOSTATIC MIXING VALVE TO LIMIT TEMPERATURE TO 120°.		
2. FOR URINAL:		
0.5 GALLON FLOW PER MINUTE WITH $\frac{1}{4}$ " WATER LINE AND A AUTO SENSITIVE SHUT-OFF DEVICE AND A BARBER ARBUSTOR.		
3. FOR WATER CLOSET:		
1.28 GPM MAX.		

GREASE INTERCEPTOR (GGI)

FIXTURE	DFU	QUANTITY	TOTAL (DFU)
3-TUB SINK	4	1	4
PREP SINK	3	1	3
MOP SINK	3	1	3
HAND SINK	2	4	8
FLOOR DRAIN	2	8	16
			TOTAL DFU=34

NOTE: THE SIZE OF THE (GGI) SHALL BE SUBMITTED TO THE CITY OR COUNTY WASTE WATER DEPARTMENT FOR FINAL APPROVAL.

BioConcrete

GREASE INTERCEPTOR

FOR USE IN APPLICATIONS SUBJECT TO MICROBIOLOGICALLY INDUCED CORROSION (MIC)

DESIGN LOAD: H-20 TRAFFIC WITH DRY SOIL CONDITIONS (WATER LEVEL BELOW TANK)

HANDLE NOTE: SUITABLE SUB-BASE BEDDED WITH GRANULAR MATERIAL SHALL BE PREPARED TO HANDLE ANTICIPATED LOADS.

JENSEN PRECAST BioConcrete™ IS A SPECIFICALLY FORMULATED CONCRETE MIXTURE WHICH INCLUDES A MICROBIOLOGICALLY INDUCED CORROSION (MIC) RESISTANT POLYMER ADMIXTURE TO PREVENT MIC THROUGHOUT THE STRUCTURE ELIMINATING THE NEED FOR COATINGS OR LINERS.

FOR COMPLETE DESIGN AND PRODUCT INFORMATION CONTACT JENSEN PRECAST

Jensen Precast reserves the right to make changes to product design and specifications without notice on product labels.

7/20/2015
1925 280 DAM BLVD GROVELLE CA 95625
© 2017

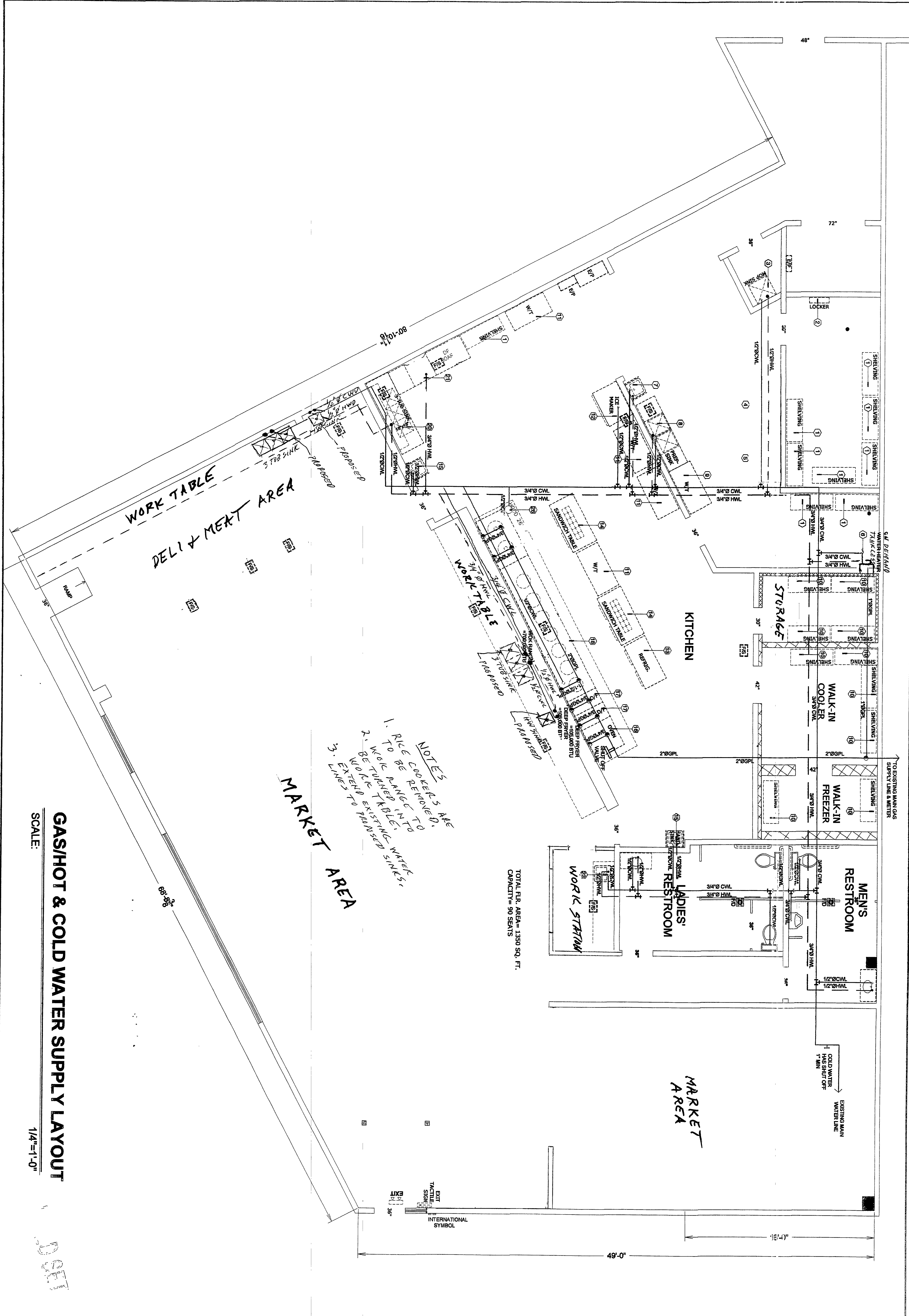
JENSEN PRECAST

TOP VIEW (COVERS AND RINGS REMOVED)
24" CAST IRON FRAMES AND COVERS WITH GASKET (GASHTIGHT) STANDARD AT EXTRA COST
3", 6" AND 12" GRCS2432 GRADE RINGS AS REQUIRED AT EXTRA COST
4" PIPE AND FITTINGS STANDARD

MODEL NUMBER	LIQUID CAPACITY (GALLONS)	DEPTH OF BURRY	MINIMUM EXCAVATION LENGTH	MINIMUM EXCAVATION WIDTH	MINIMUM EXCAVATION DIM A	MINIMUM EXCAVATION DIM B	MINIMUM EXCAVATION DIM C	MINIMUM EXCAVATION DIM D	MINIMUM EXCAVATION DIM E
JPCS320EE-G	320	3'-0"	7'-0"	4'-6"	3'-7"	3'-4"	4'-0"	8'-0"	1'-10 1/8"
JPCS500EE-G	500	4'-0"	6'-0"	5'-10"	4'-10"	4'-7"	5'-0"	7'-0"	1'-10 1/8"
JPCS750EE-G	750	4'-3"	6'-1"	6'-3"	5'-0"	4'-9"	5'-3"	9'-1"	1'-10 1/8"
JPCS1000EE-G	1000	5'-4"	6'-2"	6'-3"	5'-0"	4'-9"	5'-3"	9'-2"	1'-10 1/8"
JPCS1500EE-G	1500	5'-10"	6'-3"	6'-3"	5'-0"	4'-9"	5'-3"	9'-2"	1'-10 1/8"
JPCS2000EE-G	2000	4'-11"	15'-11"	6'-0"	5'-0"	4'-9"	5'-11"	18'-11"	1'-10 1/8"
JPCS3000EE-G	3000	5'-9"	16'-10"	6'-0"	5'-0"	4'-9"	6'-9"	17'-10"	1'-10 1/8"
JPCS4000EE-G	4000	7'-8"	16'-7"	6'-9"	5'-9"	5'-6"	6'-9"	17'-10"	1'-10 1/8"
JPCS5000EE-G	5000	7'-8"	16'-7"	7'-11"	6'-9"	6'-6"	8'-8"	17'-7"	1'-10 1/8"

*EXCEPT MODELS 320 & 500

4# BEAR DOWELS @ 2X0.C.
1" MIN. (IN CEMENT)
1" MIN. (IN SLAB)
EPOXY FILLED
SAND
VAPOR BARRIER SLIM
CONCRETE SLAB REPAIR DETAILS



NOTES

1. RICE COOKERS ARE TO BE REMOVED TO BE PLACED IN TO WORK TABLE.
2. REMOVE EXISTING SINKS, VANITIES & SINKS.
3. EXTEND TO 0' LINES.

TOTAL F.L.R. AREA = 1350 SQ. FT.
CAPACITY = 90 SEATS

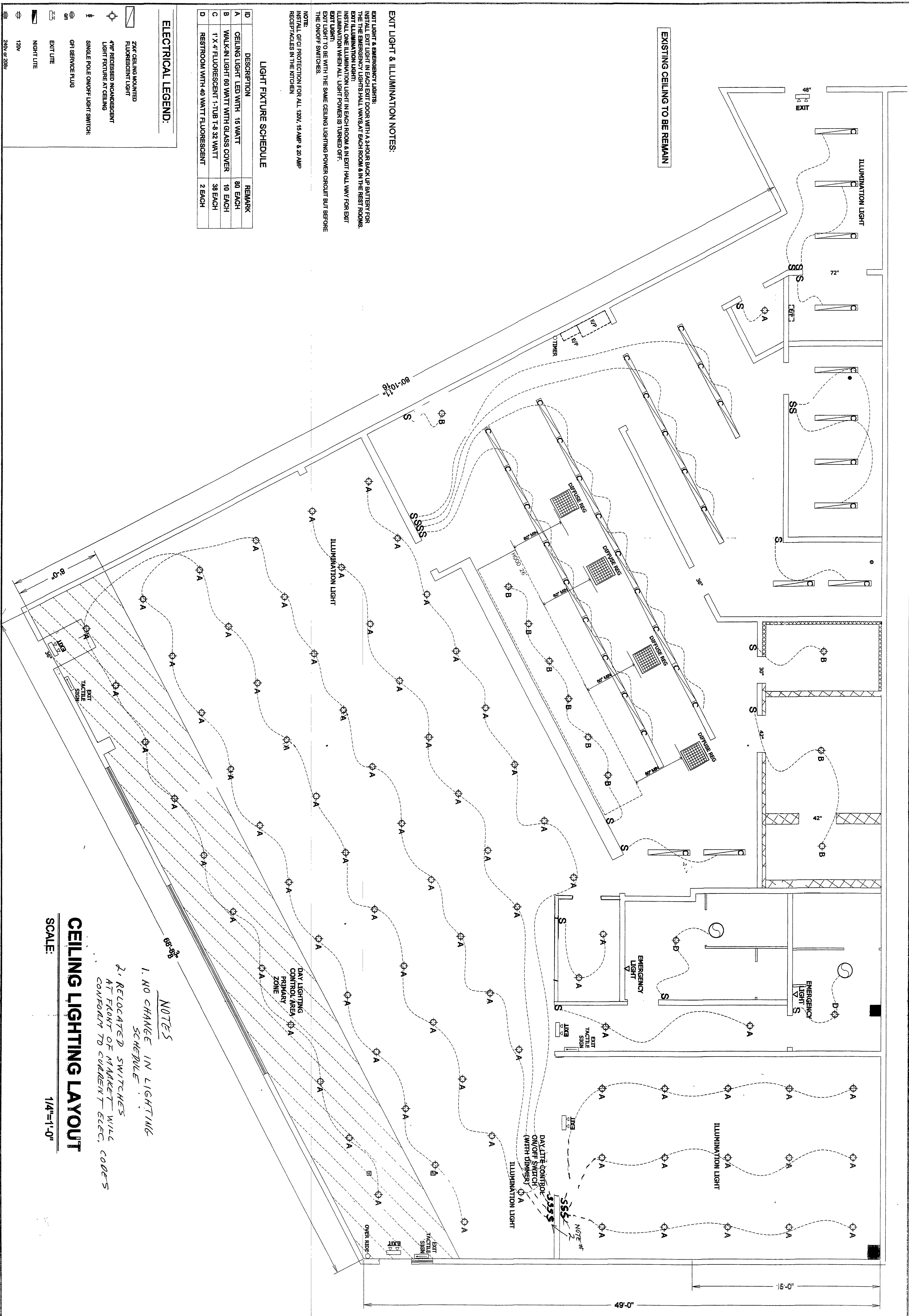
MARKET AREA

DELIVERY MEAT AREA
WORK TABLE

MARKET AREA

GAS/HOT & COLD WATER SUPPLY LAYOUT
SCALE: 1/4"=1'-0"

OF SHEETS P-2 SHEET	PROJECT TITLE: MIS REINAS CARNICERIA	REMODEL OF EXISTING KITCHEN 1888 ORO DAM BLVD OROVOLLE CA	DESIGNED BY: /O-1-20	REVISIONS
	DRAWN: /O-1-20		DATE: /O-1-20	BY:
HOT/COLD WATER/GAS LAY-OUT				20



EXIT LIGHT & ILLUMINATION NOTES:

EXIT LIGHT & EMERGENCY LIGHTS:
 INSTALL EXIT LIGHT IN EACH EXIT DOOR WITH A 2-HOUR BACK-UP BATTERY FOR THE EMERGENCY LIGHTS. HALLWAYS AT EACH ROOM & IN THE RESTROOMS.
EXIT ILLUMINATION LIGHT:
 INSTALL ONE ILLUMINATION LIGHT IN EACH ROOM & IN EXIT HALLWAYS FOR EXIT ILLUMINATION WHEN ALL LIGHT POWER IS TURNED OFF.
 EXIT LIGHT TO BE WITH THE SAME CEILING LIGHTING POWER CIRCUIT BUT BEFORE THE ON/OFF SWITCHES.

NOTE:
 INSTALL GFCI PROTECTION FOR ALL 120V, 15 AMP & 20 AMP RECEPTACLES IN THE KITCHEN

LIGHT FIXTURE SCHEDULE

ID	DESCRIPTION	REMARK
A	CEILING LIGHT LED WITH 15 WATT	80 EACH
B	WALK-IN LIGHT 60 WATT WITH GLASS COVER	10 EACH
C	1' X 4' FLUORESCENT T-TUB T-3 32 WATT	38 EACH
D	RESTROOM WITH 40 WATT FLUORESCENT	2 EACH

ELECTRICAL LEGEND:

- 2'x4' CEILING MOUNTED FLUORESCENT LIGHT
- 4'x4' RECESSED INCANDESCENT LIGHT FIXTURE AT CEILING
- SINGLE POLE ON/OFF LIGHT SWITCH
- GFI SERVICE PLUG
- EXIT LIGHT
- NIGHT LITE
- 120V
- 200V or 250V

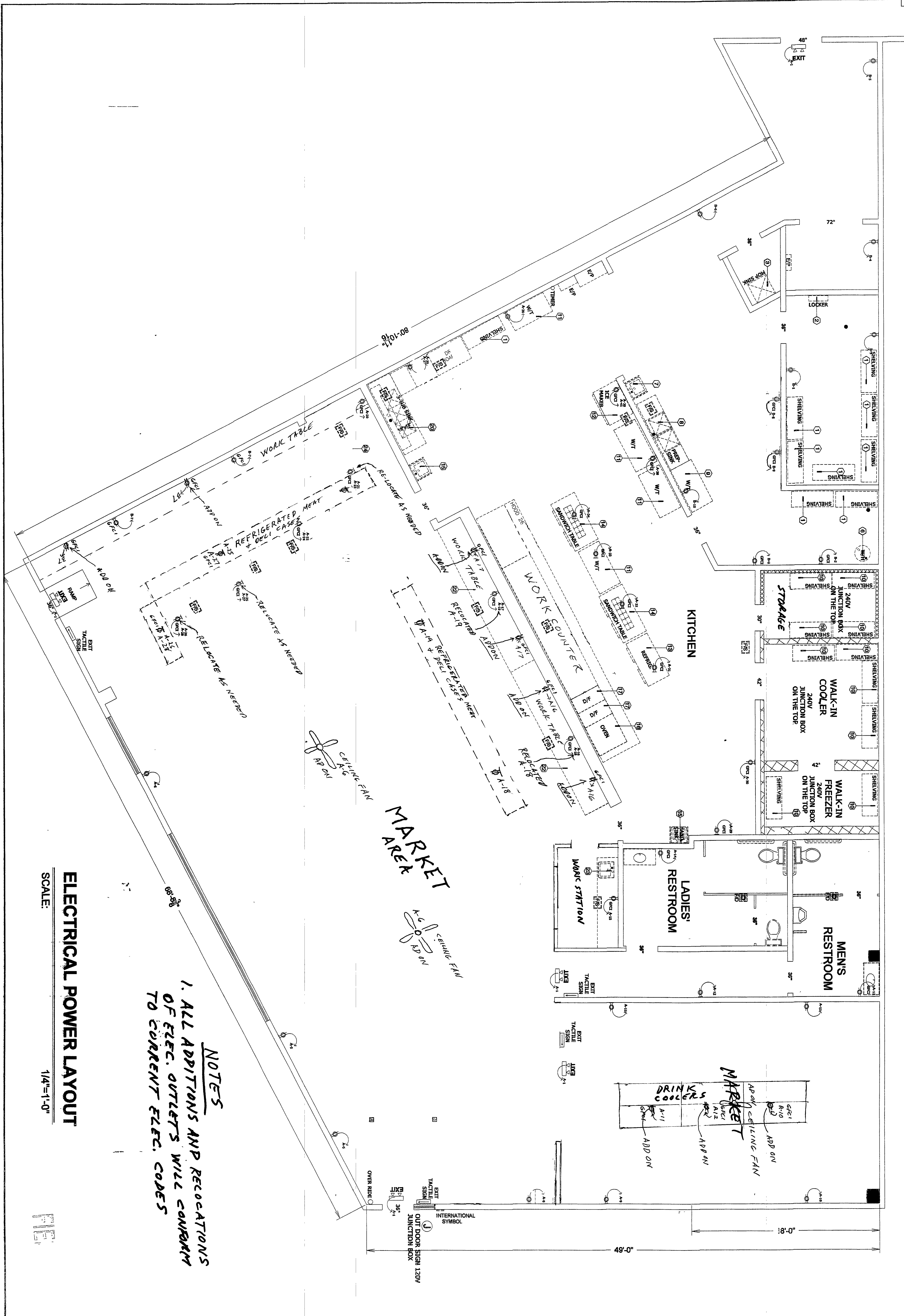
NOTES

1. NO CHANGE IN LIGHTING SCHEDULE
2. RELOCATED SWITCHES AT FRONT OF MARKET WILL COMPLY TO CURRENT ELEC. CODES

CEILING LIGHTING LAYOUT

SCALE: 1/4"=1'-0"

<p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;">No.</th> <th style="width: 15%;">Description</th> <th style="width: 10%;">By</th> <th style="width: 10%;">Date</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	No.	Description	By	Date	1				<p>PROJECT TITLE: MIS REINAS CARNICERIA 1933 ORO DAM BLVD OROVILLE CA</p>	<p>REMODEL OF EXISTING MARKET</p>
No.	Description	By	Date							
1										
<p>DESIGNED BY:</p> <p>DATE: 10-11-20</p> <p>SCALE: AS SHOWN</p> <p>DRAWN BY:</p> <p>JOB:</p>	<p>CEILING LIGHTING NOTES</p>									
<p>SHEET</p> <p>E1</p> <p>OF SHEETS</p>										



NOTES
 1. ALL ADDITIONS AND RELOCATIONS OF ELEC. OUTLETS WILL CONFORM TO CURRENT ELEC. CODES

ELECTRICAL POWER LAYOUT
 SCALE: 1/4"=1'-0"

FF

E-2 SHEET OF SHEETS	PROJECT TITLE: MIS REINAS CARNICERIA 1933 ORO DAM BLVD OROVILLE CA	REMODEL OF EXISTING KITCHEN	REVISIONS BY
	ELECTRICAL POWER		Design: _____ Date: 10-11-20 Scale: _____ Job: _____

Individuals Responsible for Business

- Owner - Marcelino Heredia (530)458-7775
- Operations Manager – Miguel Heredia (916) 628-7517

Age Verification

- Employees will be required to ask for IDs for all alcohol sale transactions.
- Additionally, each point of sale register will have an ID age verification device to ensure validity.

Operations

- The establishment has 11 employees hired with approximately 9 employees scheduled to be on-site at any given time. Each employee will be trained in proper procedures for serving and selling alcoholic beverages while also observing behaviors within the premise.
- The applicant is currently applying for a liquor license with the Department of Alcoholic Beverage Control and is a licensee with a different location. As a result, the owner is well versed in the Rules and Regulations of the ABC.
- Employees serving or selling alcoholic beverages will be enrolled in an approved department training course to learn how to proper check identification, how to deal with difficult situations and basic facts of alcohol consumption.
- On-site training will occur daily through observation and interactions between customers and employees.
- Employees will also be made aware of the grant’s conditions of approval to ensure compliance is met.

Intoxicated and Disorderly Patrons

- Through the approved training programs, employees will become familiar with how to identify signs of over intoxication. A manager or owner will be on-site at all times to monitor behaviors and service. Employees will be trained at regular meetings on how to deal with different scenarios involving disorderly patrons.
- If needed, a manager will be involved immediately to assist with regulating a patron’s intake. Additionally, the set up of the establishment is a friendly, family place serving only incidental alcoholic beverages. The hours of operation are also respectful to a controlled environment.
- An Uber driving program will be posted on the premise to assist with helping patrons get home safely if they had too much to drink.

Security

- The premise is equipped with 8 interior surveillance cameras and 4 exterior cameras. The patio dining area is enclosed with a barrier and will be monitored by an employee at all times. Video surveillance is also positioned to the area as well. The immediate areas of the premise will also be monitored regularly to mitigate loitering and any suspicious activity.
- All surveillance videos will be maintained for at least 30 days. The applicant always tries to establish good relationships with the local enforcement and will notify them of any disorderly conduct that cannot be rectified internally.

**Security Policy and Procedures Manual Template
for Off-Site Alcoholic Beverage Sales Establishments**

The security plan should contain a heading for each topic. Under each heading, the policies and procedures pertaining to the topic should be outlined and fully detailed. Two (2) copies of the plan are required.

At minimum, the security plan should include the following headings and information:

1. **Individuals Responsible for Business**
 - Up-to-date and complete contact information (e.g. business owner(s), operations manager)
2. **Age Verification Means**
 - Procedures to prevent underage drinking
3. **Operations**
 - Establishment of an employee to patron ratio (based upon the activity level of the business in order to ensure adequate staff to monitor beverage sales and patron behavior)
 - Procedure for training all managers and employees selling alcoholic beverages
 - Monitoring beverage sales
4. **Intoxicated and Disorderly Patrons**
 - Procedure for staff to handle obviously intoxicated persons
 - Procedure for handling persons involved in fighting, arguing, or violent behavior
5. **Security**
 - Proposed security equipment (e.g. video surveillance, silent armed robbery alarm, timed-access cash controller or drop safe)
 - Reduce criminal activity
 - Prevent loitering
 - Calling the police regarding observed or reported criminal activity
6. **Additional Headings**
 - You may provide any additional headings that you may see fit and necessary. Please be detailed and as clear as possible with the information provided here.

The Owner/Applicant agrees to the statements below and acknowledges that in order to operate in the City of Oroville the business must comply with the statements below. The security plan and statements below are binding on all persons who own or operate/manage the business.

As an alcoholic beverage sales establishment owner/operator in the City of Oroville, I will:

- *Comply with all applicable Department of Alcoholic Beverage Control laws*
- *Comply with all city-mandated conditions and requirements*
- *Operate in accordance to the Security Policy and Procedures Manual*
- *Ensure all managers and employees are trained to sell alcohol responsibly in a certified program*

Applicant: _____



Date: _____

7/6/21

**Security Policy and Procedures Manual Template
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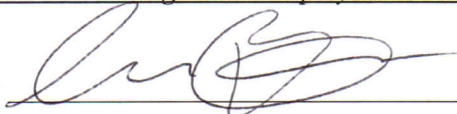
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 - Up-to-date and complete contact information (e.g. business owner(s), operations manager)
2. **Age Verification**
 - Procedures to prevent underage drinking
3. **Operations**
 - Establishment of an employee-to-patron ratio (based upon the activity level of the business in order to ensure adequate staff to monitor beverage sales and patron behavior)
 - Procedure for training all managers and employees selling alcoholic beverages
 - Monitoring beverage sales and patron behavior
 - Procedure for crowd control, specifically queuing lines
 - The locations and descriptions of any proposed electronic or non-electronic games
4. **Intoxicated and Disorderly Patrons**
 - Procedures for staff to identify and handle patrons reaching their drinking limit/potential intoxication and make sure that it is not exceeded (This procedure should include a description of the steps the server would take to warn, or refuse to serve the patron.)
 - Procedure for staff to help get intoxicated patrons home safely
 - Procedure for handling patrons involved in fighting, arguing, or violent behavior
5. **Security**
 - Proposed video surveillance
 - Mitigate potential criminal activity
 - Prevent loitering
 - Calling the police regarding observed or reported criminal activity
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Applicant: _____



Date: _____

7/6/21



City of Oroville

Leonardo DePaola
Community Development Director

COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2436 FAX (530) 538-2426
www.cityoforoville.org

PLANNING COMMISSION STAFF REPORT

Thursday, July 22, 2021

RE: Seidenglanz Parcel at 1245 Oro Dam Blvd Rezone to M-2 and General Plan Amendment to Industrial.

SUMMARY: The Oroville Planning Commission will review and consider recommending that the City Council approve General Plan Amendment GPA 21-01 and Zoning Code Amendment ZC 21-01 for 39-acre parcel at 1245 Oro Dam Boulevard (APN 035-270-016).

RECOMMENDATION: Staff recommends the following actions:

1. **Certify the Notice of Exemption**
2. **Recommend that the City Council approve General Plan Amendment GPA 21-01**
3. **Recommend that the City Council approve Zoning Code Amendment ZC 21-01**
4. **Adopt Resolution No. P2021-08 -- A RESOLUTION OF INTENTION BY THE OROVILLE PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL ADOPT GENERAL PLAN AMENDMENT 21-01 AND ZONING CODE AMENDMENT ZC 21-01 FOR A 39 ACRE PARCEL AT 1245 ORO DAM BOULEVARD EAST (PARCEL # 035-270-016).**

APPLICANTS: Steven Conn Seidenglanz et al

LOCATION: 1245 Oro Dam Blvd (APN 035-270-016)

GENERAL PLAN: MX (Mixed Use)
ZONING: MXC (Corridor Mixed Use)
FLOOD ZONE: Zone X

ENVIRONMENTAL DETERMINATION: Categorically Exempt per Section 15332 and 15061(b)(3) of Title 14, California Code of Regulations.

REPORT PREPARED BY:

REVIEWED BY:

Wes Ervin, Senior Planner
Community Development Department

Dawn Nevers, Assistant Director
Community Development Department

DISCUSSION

The applicant proposes to rezone their 39-acre parcel from MXC to M-2 to accommodate an industrial warehouse “e-commerce” prospect they are trying to attract.

Application materials, maps, status of existing development, and issues for future significant development are attached in the DRC Memorandum.

The M-2 Zoning would allow warehousing uses, while MXC zoning does not. M-2 Zoning has a less intense (40%) maximum floor area ratio vs. 1.0 FAR for MXC (100% lot coverage in multi-story structures). If the site is again populated with solely heavy industrial uses, little would show from SR 162 due to the elevation differences.

ENVIRONMENTAL

This project is exempt from CEQA under Section 15332 and 15061(b)(3) of Title 14, California Code of Regulations. First, the amendment actions themselves have no possibility of causing a physical change to the environment and are exempt under the Common Sense Exemption. To ensure adequate review for any future development, at such time as one or more development projects are proposed, the City will evaluate each on its own merits. Staff note, however, that this parcel has been for decades and is still developed with both industrial and heavy commercial uses, so most new projects would be considered infill under Section 15332 and/or would be ministerial and permitted by right.

FISCAL IMPACT

None. The project is subject to all customary fees.

PUBLIC NOTICE

A request for comments was prepared and circulated to the local agencies and surrounding property owners within 300 feet of the property. Additionally, the meeting date, time, and project description were published in the Oroville Mercury Register and posted at City Hall.

Relevant City departments have reviewed the project for compliance with the policies and goals of the General Plan and Zoning Code. The DRC discussed the project on July 8. Staff and the DRC agree that the changes will be compatible with City requirements and with the surrounding land uses.

SUMMARY

Staff recommends the Commission forward a recommendation for City Council approval of the General Plan Amendment and Zoning Change.

ATTACHMENTS

1. DRC memorandum with application, map, and applicant’s statement

2. Aerial photo showing current and former development
3. Resolution of Intent P2021-08 recommending to Council the GPA and ZC approvals
4. Notice of Exemption from CEQA



City of Oroville

Leonardo DePaola
DIRECTOR

PLANNING AND DEVELOPMENT SERVICES

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2402 FAX (530) 538-2426
www.cityoforoville.org

DEVELOPMENT REVIEW COMMITTEE MEMORANDUM

TO: Development Review Committee

FROM: Wes Ervin

DATE: July 8, 2021

RE: Seidenglanz Parcel at 1245 Oro Dam Blvd Rezone to M-2 and General Plan Amendment to Industrial

Recommendation

Recommend the DRC forward a recommendation for approval of the GPA and Rezone by the Planning Commission, subject to subsequent approval by Council of the same.

Project Description

The Seidenglanz family owns APN 035-270-016 at 39 acres. The parcel is located along Oro Dam Boulevard across from the Ford dealership and at the end of Veatch Street. As noted in the attached materials, the parcel has historically been under industrial and heavy commercial use for decades, but along with all properties fronting Oro Dam Blvd, was rezoned to Corridor Mixed Use in 2009 under the General Plan.

Owners are requesting it be returned to M-2, in part because they have an industrial warehouse prospect who needs the re-zone to utilize that site. They also requested the same rezone in 2017, which did not occur.

Current MXC development standards would allow 39-acres, or 1.6 million square feet in several stories, but does not allow warehousing.

MXN	
Maximum height	60'
Setbacks	0
Floor Area ratio Max	1.0 (100%) ¹

¹ Note that site coverage must still accommodate necessary parking, landscaping and other requirements.

M-2 Zoning development standards are as follows:

M-2	
Maximum height	65'
Setbacks	0
Floor Area ratio Max	0.4 (40%) ²

After rezoning, the maximum lot coverage would be 679,000 square feet, but warehousing and distribution are allowed uses. A 679,000 square-foot warehouse would likely employ 200-500 persons.

Issues

The site is screened from Oro Dam Blvd (SR 162) by a berm so that vehicles on the Highway cannot see very far into the property, so if a warehouse or factory were to be developed there few visual impacts would occur.

Access from SR 162 is via two driveways, which would be adequate for access unless a project brings heavy truck traffic. In that event, an extension from Veatch, turn lanes, signalization and/or a rear access through the Shifflet Brothers site to State Box road may be needed.

Large trucks could not be prohibited from accessing the site via SR 162 because that part of SR 162 is a designated STAA terminal route. Heavy trucks are allowed by State law to go between Highway 70 and a terminal located there.

A rail spur could be installed if the new user so desires.

Processing Status

Applicant has filed the appropriate applications and paid the appropriate fees.

Attachments:

1. Applicant-generated map of the parcel
2. Application materials
3. Project description

² Note that site coverage must still accommodate necessary parking, landscaping and other requirements.

PROJECT DESCRIPTION:

APN 035-270-016 is approx. 39 acres located on the south side of Oro Dam Blvd., in the City of Oroville, at the southerly end of Veatch Street and westerly of the Union Pacific Railroad.

The site is a former lumber processing facility currently being renovated into commercial/industrial rental spaces, including Cooper Landscaping, the Gleaners distribution outlet and serves as vehicle and container storage.

The property was zoned Industrial until the City-wide General Plan update in approx. 2010, wherein all properties fronting major City streets were rezoned to a Mixed Use Corridor designation (MXC). The owner desires to restore the Industrial zoning and General Plan designations to accommodate a buyer interested in relocating to Oroville and constructing an e-commerce warehouse distribution facility. Site design has not been determined at this time.

It is the owner's opinion that traffic volumes will not exceed the General Plan thresholds for full buildout for the MXC or the change to the proposed M-2 (Industrial) for the e-commerce facility.

The property is level and approx. 15 feet in elevation higher than the Oro Dam Blvd. along the north side. Please see the attached Site Plan prepared from a 2002 aerial topographic survey identifying the existing and removed buildings, grades, roadways, and paved/unpaved areas. There are a few "trees of heaven", an invasive species, scattered around the site and there are overhead electrical pole lines along the fenced perimeter. Two small oak trees are along the west side fence.

There are two paved entries off Oro Dam Blvd., one at the northwest corner and one at the approx. mid-point serving the site.

Adjacent land uses include automobile sales and services across Oro Dam Blvd. to the north and a bank at the northwest. Along the west side are vacant parcels and the Dry Creek drainage channel. To the southwest and south are mixed use/industrial uses including equipment storage and staging. To the east is the Union Pacific Railroad tracks. Old UPRR spur tracks into the former lumber facility have been removed.

REZONE & GENERAL PLAN AMENDMENT APN 035-270-016 39 ACRES ±

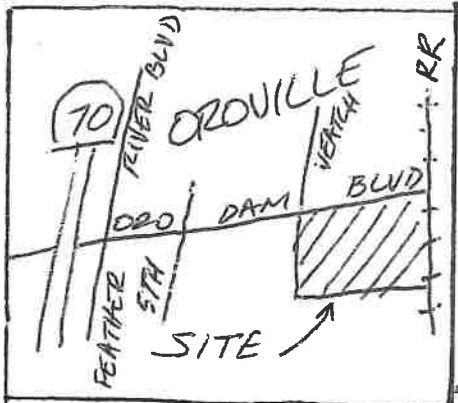
SITE: 1245 ORO DAM BL.
OWNERS:
S. SEIDENGLANZ ET AL
4801 FEATHER RIVER
BLVD., SUITE 29
OROVILLE, CA 95965

EXIST. ZONING: MXC
PROPOSED: M-2 INDUS.
EXIST. GP: MXC
PROPOSED: INDUSTRIAL
EXISTING USES:
COMMERCIAL, STORAGE
& WAREHOUSING
PROPOSED USES:
E-COMMERCE
WAREHOUSING

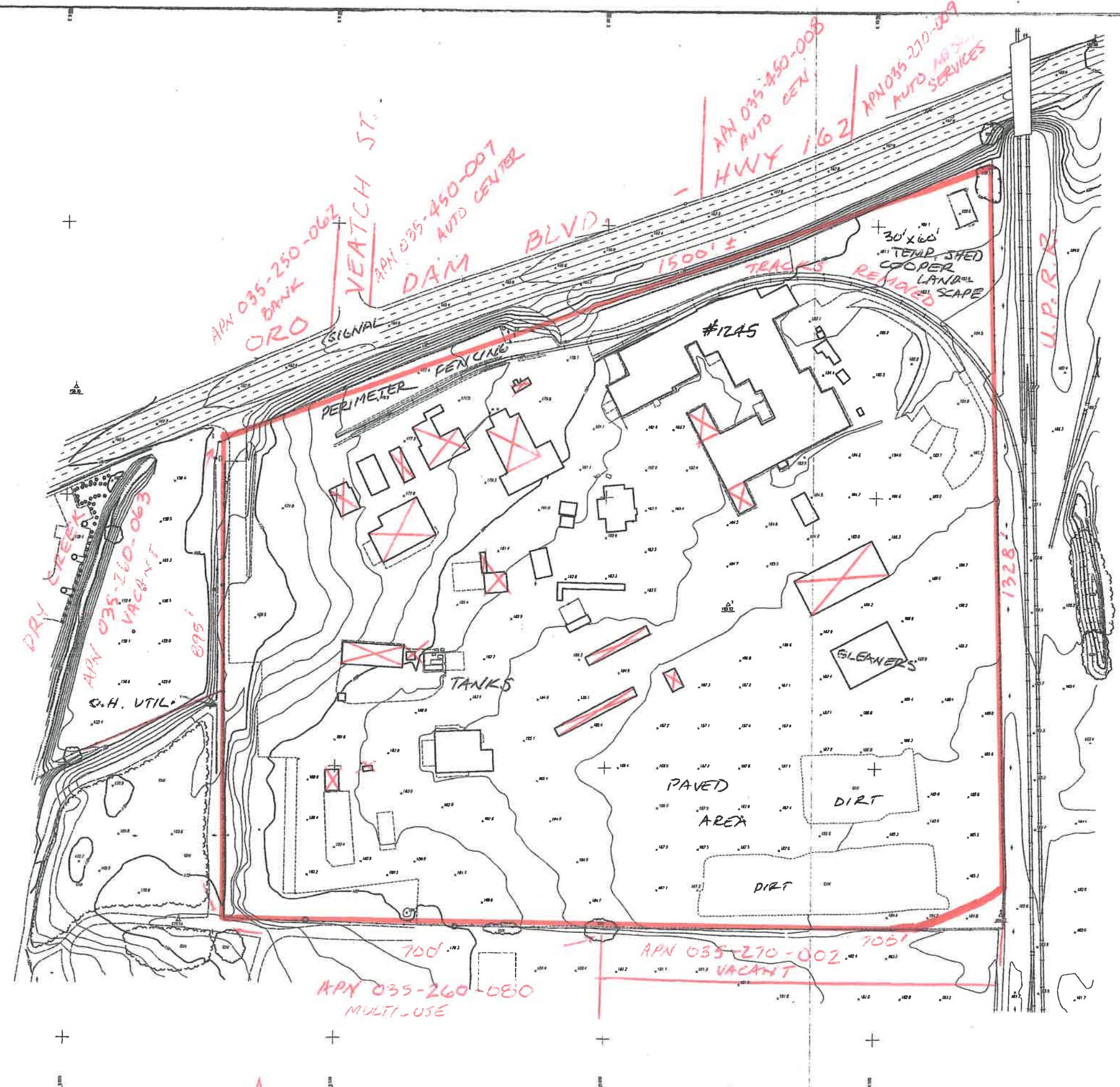
CONTACT: KEN NOACK, JR.
980 9TH ST., SU. 2500
SACRAMENTO, CA 95814
(916) 747-6442

NOTE: RED 'X'
INDICATES BUILDING
HAS BEEN REMOVED.

MAY 19, 2021



LOCATION MAP
NO SCALE



CARTWRIGHT AND REPORT AND
ADVIS. SERVICES INC. SACRAMENTO, CA 95811
TEL: (916) 421-2966 FAX: (916) 421-9221



SCALE 1"=200'

PHOTO/TOPO 2002
CONTOUR INTERVAL - 2 FEET

LEGEND	
0	BOUNDARY
1	PERIMETER
2	PROPERTY LINE
3	EXISTING BUILDING
4	PROPOSED BUILDING
5	EXISTING DRIVE
6	PROPOSED DRIVE
7	EXISTING UTILITY
8	PROPOSED UTILITY
9	EXISTING ROAD
10	PROPOSED ROAD
11	EXISTING RAILROAD
12	PROPOSED RAILROAD
13	EXISTING WATERWAY
14	PROPOSED WATERWAY
15	EXISTING FENCE
16	PROPOSED FENCE
17	EXISTING SIGN
18	PROPOSED SIGN
19	EXISTING LIGHT
20	PROPOSED LIGHT
21	EXISTING TREE
22	PROPOSED TREE
23	EXISTING LANDSCAPE
24	PROPOSED LANDSCAPE
25	EXISTING ELEVATION
26	PROPOSED ELEVATION



City of Oroville

Planning Division - Community Development Department

1735 Montgomery Street
 Oroville, CA 95965-4897
 (530) 538-2430 FAX (530)
 538-2426 www.cityoforoville.org

Item 2.

TRAKIT#: *PL2100-003*

ZONE CHANGE / GENERAL PLAN AMENDMENT

(Please print clearly and fill in/provide all that apply)

REQUIRED FOR A COMPLETE APPLICATION		TYPE OF PERMIT	
<input type="checkbox"/>	Completed and signed Application Forms	<input checked="" type="checkbox"/>	General Plan Amendment: \$3,946.84 (Deposit) + \$236.81 (6% Tech Fee) = \$4,183.65
<input type="checkbox"/>	Application Fee Paid	<input checked="" type="checkbox"/>	Zone Change: \$3,104.02 (Deposit) + \$186.24 (6% Tech Fee) = \$3,290.26
<input type="checkbox"/>		<input type="checkbox"/>	Prezone: \$3,031.00 + \$181.86 (6% Tech Fee) = \$3,212.86

** Provide a copy of recorded documents showing current ownership and legal description of affected parcels. If the rezone involves more than 1 parcel, a petition must be submitted, signed by a minimum of 60% of the owners of the affected parcels.

PROJECT INFORMATION

Assessor Parcel Number (APN)	Zoning		General Plan Land Use Designation	
	Existing	Proposed	Existing	Proposed
1) 035-270-016	1) MXC	1) MXC/MZ	1) MX	1) MX/I
2) 035-270-016	2) MXC	2) M-Z	2) MXC	2) INDUSTRIAL
3)	3)	3)	3)	3)
4)	4)	4)	4)	4)
5)	5)	5)	5)	5)
6)	6)	6)	6)	6)
7)	7)	7)	7)	7)
8)	8)	8)	8)	8)
9)	9)	9)	9)	9)

REASONS FOR PROPOSED CHANGE

BUYER FOR PROPERTY REQUIRES CHANGE / ADDITION OF INDUSTRIAL ZONING / GP TO OPERATE PROPOSED WAREHOUSES / DISTRIBUTION FACILITIES / FULFILLMENT CENTER IN ECOMMERCE TYPE INDUSTRIAL PARK. SEE ADDITIONAL PROJECT DESCRIPTION & DETAILS AS AVAILABLE.

APPLICANT'S SIGNATURE

I hereby certify that the information provided in this application is, to my knowledge, true and correct.

Signature: *[Signature]*

Date: 5-1-21

OFFICE USE ONLY

Approved By:

Date:

Payment:

Number:



City of Oroville

Planning Division - Community Development Department

1735 Montgomery Street
 Oroville, CA 95965-4897
 (530) 538-2430 FAX (530) 538-2426
www.cityoforoville.org

Item 2.

TRAKIT#: **PL2106-003**

PLANNING DIVISION GENERAL APPLICATION

(Please print clearly and fill in all that apply)

APPLICANT'S INFORMATION		Project's:	
Name:	SEIDENGLANZ ET AL	Name:	ORO DAM
Address:	4801 FEATHER RIVER BLVD	Company:	SU. 29
Phone:	530-518-8842	Address:	OROVILLE, CA 95965
Email:	STEVENS@HWY70.NET	Phone:	
Is the applicant the Owner?	<input checked="" type="checkbox"/>	If applicant is Not the owner, please provide owner /agent authorization on the reverse side.	
Email:			

DEVELOPMENT PROJECTS & OTHER APPLICATIONS (Please check all that apply)					
<input type="checkbox"/>	Annexation	<input type="checkbox"/>	Landmark /Modification/Demolition	<input type="checkbox"/>	Tentative Parcel Map
<input type="checkbox"/>	Appeal	<input type="checkbox"/>	Mining and Reclamation Plan	<input type="checkbox"/>	Tentative Subdivision Map
<input type="checkbox"/>	Development Review	<input type="checkbox"/>	Pre-Application	<input type="checkbox"/>	Use Permit
<input type="checkbox"/>	Final Map	<input type="checkbox"/>	Residential Density Bonus	<input type="checkbox"/>	Variance
<input checked="" type="checkbox"/>	General Plan Amendment/Rezone	<input type="checkbox"/>	Temporary Use	<input type="checkbox"/>	Wireless Communication Facilities
<input type="checkbox"/>	Landmark Designation	<input type="checkbox"/>	Tentative Map Extension	<input type="checkbox"/>	Zoning Clearance
<input type="checkbox"/>	Other: (Please Specify)				

ADMINISTRATIVE PERMITS (Please check all that apply)					
<input type="checkbox"/>	Adult Oriented Business	<input type="checkbox"/>	Outdoor Storage	<input type="checkbox"/>	Special Event
<input type="checkbox"/>	Home Occupation	<input type="checkbox"/>	Outdoor Display & Sales	<input type="checkbox"/>	Street Closure
<input type="checkbox"/>	Large Family Day Care	<input type="checkbox"/>	Second Dwelling Unit	<input type="checkbox"/>	Tree Removal
<input type="checkbox"/>	Mobile Food Vendor	<input type="checkbox"/>	Sign/Temporary Sign Permit		
<input type="checkbox"/>	Other: (Please Specify)				

*Please provide a letter addressed to the Planning Division with a detailed description for the proposed project. Please include any site plans, maps, aerials, photos, and other relevant information that will help us in processing your application.
 ** Any time a set of plans is required, three (3) sets of drawings shall be submitted, unless otherwise directed.

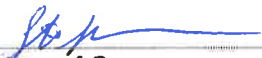
PROJECT INFORMATION	
Project Name: ORO DAM REZONE /GPA	Proposed Structure(s) (Sq Ft.): TBD
Address: 1245 ORO DAM BLVD, ORO.	Existing Structure(s) (Sq Ft.):
Nearest Cross Street: VEATH	Water Provider: CAL - WATER
Assessor Parcel Number: 035-270-010	School District: OROVILLE
Lot Size (Acres): 39 + AC.	Number of Dwelling Units: NONE

APPLICANT'S SIGNATURE	
I hereby certify that the information provided in this application is, to my knowledge, true and correct.	
Signature: <i>[Signature]</i>	Date: 5-1-21

OFFICE USE ONLY							
General Plan:	Zoning:	Zoning Conformity:	APN:				
File#	Overlay Zoning:	Minimum Setbacks:	FY	RY	SY		

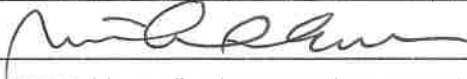
AGENT AUTHORIZATION			
To the City of Oroville, Department of Community Development			
NAME OF AGENT:	<i>KEN NOACK</i>	PHONE NUMBER:	
COMPANY NAME:		EMAIL:	<i>KNOACK@NGKF.COM</i>
ADDRESS:		CITY/ST/ZIP:	
AGENT SIGNATURE:			
Is hereby authorized to process this application on my/our property, identified as Butte County Assessor Parcel Number (s):			
<i>035-270-016</i>			
This authorization allows representation for all applications, hearings, appeals, etc. and to sign all documents necessary for said processing, but not including document (s) relating to record title interest.			

Owner(s) of Record (sign and print name)


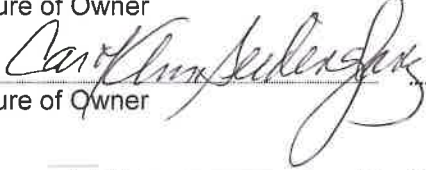
1)	<i>STEVEN CONN SEIDENGLANZ</i>		<i>5-2-21</i>
	Print Name of Owner	Signature of Owner	Date
2)			
	Print Name of Owner	Signature of Owner	Date
3)			
	Print Name of Owner	Signature of Owner	Date
4)			
	Print Name of Owner	Signature of Owner	Date
	<i>4801 FEATHER RIVER BLVD - 29</i>	<i>STEVENS@HWY70.NET</i>	<i>530-518-2842</i>
	Owner's Mailing Address	Owner's Email	Owner's Phone #
	<i>OROVILLE, CA 95965</i>		

The Community Development Department operates on a full cost recovery for processing of permits. Staff will charge their time and any expenses associated with processing the application against the initial deposit. Fees that have been captured for the reimbursement of City expenses are non-refundable.

Technology cost recovery fees are non-refundable

AGENT AUTHORIZATION			
To the City of Oroville, Department of Community Development			
NAME OF AGENT:	MICHAEL G. EVANS	PHONE NUMBER:	530-570-5498
COMPANY NAME:	EVANS FUN WORKS	EMAIL:	ONENICEPLACE@HOTMAIL.COM
ADDRESS:	110 SHARP ROAD	CITY/ST/ZIP:	OROVILLE, 95966
AGENT SIGNATURE: 			
Is hereby authorized to process this application on my/our property, identified as Butte County Assessor Parcel Number (s):			
035-270-016			
This authorization allows representation for all applications, hearings, appeals, etc. and to sign all documents necessary for said processing, but not including document (s) relating to record title interest.			

Owner(s) of Record (sign and print name)

1)	STEVEN CONN SEIDENGLANZ		3-2-2021
	Print Name of Owner	Signature of Owner	Date
2)	CAROL ANN SEIDENGLANZ		3-2-2021
	Print Name of Owner	Signature of Owner	Date
3)			
	Print Name of Owner	Signature of Owner	Date
4)			
	Print Name of Owner	Signature of Owner	Date
	4801 FEATHER RIVER BLVD SU. 29		530-518-8842
	Owner's Mailing Address	Owner's Email	Owner's Phone #
	OROVILLE, 95965	STEVENS@HWY10.NET	

The Community Development Department operates on a full cost recovery for processing of permits. Staff will charge their time and any expenses associated with processing the application against the initial deposit. Fees that have been captured for the reimbursement of City expenses are non-refundable.

Technology cost recovery fees are non-refundable



Oroville Chevrolet
Chevrolet dealer

Quality Used Tires
Used tire shop

U-Haul
Neighborhood Dealer

Storey's Truck-Service

The Paradise Cleaners

Enterprise Rent-A-Car

Item 2.

The Plast

Country Connection

Richter Ave

Empire Steel

PLANNING RESOLUTION # P2021-08

**A RESOLUTION OF INTENTION BY THE OROVILLE PLANNING COMMISSION
RECOMMENDING THE CITY COUNCIL ADOPT GENERAL PLAN AMENDMENT
21-01 AND ZONING CODE AMENDMENT ZC 21-01 FOR A 39 ACRE PARCEL AT
1245 ORO DAM BOULEVARD EAST (PARCEL # 035-270-016)**

WHEREAS, the City of Oroville has received an application from property owner to rezone APN #035-270-016 from its current MXC (Corridor Mixed Use) zone to M-2 (Intensive Industrial); and

WHEREAS, the Property is within the Oroville City limits; and

WHEREAS, approval of the application requires amending the General Plan land use designation and zoning designation of the parcels to Industrial (I) and Intensive Industrial (M-2) respectively; and

WHEREAS, the rezoning and land use designation are exempt from CEQA on the bases that the action itself has no environmental effect, and it affects an existing developed parcel whose further development would be infill; and

WHEREAS, the Planning Commission considered at noticed public hearing the comments and concerns of public agencies and property owners who are potentially affected by the changes described herein, and also considered City staffs report regarding the project; and

NOW, THEREFORE, BE IT RESOLVED BY THE OROVILLE PLANNING COMMISSION ALL OF THE FOLLOWING:

1. Recommend that the City Council adopt the Notice of Exemption as the appropriate level of environmental review under the California Environmental Quality Act;
2. Recommend that the City Council adopt General Plan Amendment GPA21-01 and Zoning Code Amendment ZC21-01;
3. That the City Council direct the preparation and adoption of one or more ordinances as necessary to amend the City of Oroville Zoning Map to affect the necessary zoning changes;
4. That for any new development the property owner and any subsequent owners must obtain all required permits from the City and any agencies responsible for protecting natural resources, then implement the conditions of those permits;

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at a regular meeting or the Planning Commission of the City of Oroville held on July 22, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: APPROVE:

JACKIE GLOVER, ASSISTANT
CITY CLERK

CARL DURLING, CHAIRPERSON



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

**LEONARDO
DEBACIA**

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2430 FAX (530) 538-2426
www.cityoforoville.org

NOTICE OF EXEMPTION

TO	Butte County Clerk	FROM	City of Oroville
:	25 County Center Drive	:	1735 Montgomery Street
	Oroville, CA 95965		Oroville, CA 95965

Project Title: PL2106-003 Zoning Change ZC21-01 and General Plan Amendment GPA21-01

Project Location – Specific: 1245 Oro Dam Blvd East

Project Location - City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: The project applicant, Steven Seidenglanz and others, have applied for a rezone to M2 Intensive industrial with corresponding General Plan amendment to Industrial. This infill 39-acre site has had multiple industrial and commercial uses for decades including as a former limber mill. The City rezoned the property to MXC (corridor mixed use) in 2009. Applicant is requesting a return to the industrial designation.

Name of Public Agency Approving Project: City of Oroville

Name of Person or Agency Carrying Out Project: Steven Conn Seidenglanz et al

Exempt Status (Check One):

- Ministerial (Sec. 21080(b)(1); 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- Categorical Exemption: State type & section number:
 - General Rule Exemption; Title 14, CCR, §15061(b)(3)
 - In-Fill Development Projects, Title 14 CCR, §15332
- Statutory Exemption: State code number:

Reasons why project is exempt: This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review as follows:

General Rule Exemption; Title 14, CCR, §15061(b)(3)

A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the

environment, the activity is not subject to CEQA. It has been determined that there is no possibility that the return to industrial zoning at this location will have a significant effect on the environment. The property has housed industrial and commercial uses for over 50 years, has no value as habitat, is surrounded by urban development on all sides, and is currently zoned Corridor Mixed Use. Traffic, noise, air quality, water quality and other impacts on this developed site will not be significant. Thus, this action is exempt from CEQA.

In-Fill Development Projects; Title 14, CCR, §15332

Class 32 categorical exemptions consists of projects characterized as in-fill development. Any subsequent redevelopment will be considered as infill due to the location, history, and surrounding uses of the site. Any subsequent development will also be individually evaluated for its potential to generate significant impacts. The site is within City limits, has no value as habitat, will not result in any significant effects, and can be adequately served by all required utilities. The proposed zoning change will require less dense parcel coverage.

If filed by applicant:

- 1. Attach certified document of exemption finding.
- 2. Has a notice of exemption been filed by the public agency approving the project? Yes No

Lead Agency Contact Person: Wes Ervin

Telephone: (530) 538-2408

Signature: _____

Date: _____

- Signed by Lead Agency
- Signed by Applicant



City of Oroville

Leonardo DePaola
Community Development Director

COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2436 FAX (530) 538-2426
www.cityoforoville.org

PLANNING COMMISSION STAFF REPORT

Tuesday, June 22, 2021

RE: Tentative Parcel Map Waiver 21-02 (APN 031-110-037)

SUMMARY: The Oroville Planning Commission will review and consider approving a Parcel Map Waiver for a lot split to facilitate Phase 3 of the Olive Ranch Affordable Housing development along Table Mountain Boulevard at the end of Tuscan Villa Drive. The map will split one lot into two lots.

RECOMMENDATION: Staff recommends the following actions:

1. **Approve** the recommended Parcel Map Waiver subject to any conditions imposed by the City Engineer;
2. **Adopt** Resolution No. P2021-10

APPLICANTS: Olive Ranch Apartments II LP

LOCATION: Table Mountain Boulevard at the end of Tuscan Villa Drive , Oroville, California (APN 031-110-037)

GENERAL PLAN: MU (Mixed Use)
ZONING: MXN (Neighborhood Mixed Use)
FLOOD ZONE: Zone X

ENVIRONMENTAL DETERMINATION: The project is Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, Division 6, Chapter 3 of the California Code of Regulations, Article 19 Categorical Exemptions, Section 15315 "MINOR LAND DIVISIONS". In addition, as part of another development project that is exempt, this map is also exempt.

REPORT PREPARED BY:

Matt Thompson, City Engineer
Community Development Department

REVIEWED BY:

Dawn Nevers, Assistant Director
Community Development Department

A. DISCUSSION

The Planning Commission will review an application for a Parcel Map waiver to

separate a 31.3 acre parcel into two parcels -- Parcel X at 6.284 acres and Parcel Y at 25.030 acres.

The request is to separate an existing parcel into two separate parcels to facilitate Olive Ranch Phase 3 affordable housing. The Development Review approval for the project – a 3-story 51-unit affordable housing project – occurred on June 24, and the project was approved by right with conditions.

This is not a full Tentative Parcel Map, but a waiver. OMC 16.12.040 B sets the conditions allowing a waiver:

B. When a Parcel Map May Be Waived.

1. The planning commission may waive the requirement for a parcel map in any case where the proposed subdivision is a division into 4 or fewer parcels, and:
 - a. Where the land being divided consists of a parcel shown on a recorded parcel map or final subdivision map or a legally created parcel and the full street improvements have been constructed and monumentation is evident; or
 - b. Where each has a gross area of 40 acres or more or each of which is a quarter-quarter section or larger; or
 - c. Upon making a finding that the proposed division of land complies with the requirements of the city code and Subdivision Map Act as to area, improvement and design, floodwater drainage control, appropriately improved public roads, sanitary disposal facilities, water supply availability, environmental protection and any other requirements that may apply.
2. A waiver may be granted only if:
 - a. The subdivider files an application with the zoning administrator stating the existence of monuments and improvements prior to consideration of the waiver by the planning commission;
 - b. The submitted material conforms to the requirements of the zoning administrator as to form and content;
 - c. The application contains a legal description for each parcel;
 - d. The land is monumented on the ground, and a record of survey is recorded;
 - e. The planning commission finds that the proposed division of land complies with the requirements of the California Environmental Quality Act, the zoning code of the city, city ordinances, and improvement standards as set forth by resolution of the city, the general plan and applicable specific plans of the city.

The City Engineer has certified that the proposed map satisfies Conditions 1 a, c, and 2 a-e above, or has conditioned his approval on meeting them prior to recordation.

Planning staff confirm that the proposed division complies with the California Environmental Quality Act. The attached Zoning Compliance letter documents that a Zoning Change and General Plan amendment will be required to conform the new

parcel lines existing zones, and to avoid dual zoning of any parcel.

B. RECOMMENDATION

Staff recommends the Planning Commission review and approve the Parcel Map Waiver along with any conditions and exceptions as determined by the City Engineer.

C. ENVIRONMENTAL DETERMINATION

This action has been determined to be Categorical Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, Division 6, Chapter 3 of the California Code of Regulations, Article 19 Categorical Exemptions, Section 15315 "MINOR LAND DIVISIONS". Since this is part of another project that was permitted by right, no Exemption Certificate is required.

D. CONDITIONS OF APPROVAL

Public improvements will be conditions of approval for applicable building permits. Dedications of public utility easements will occur prior to the final approval of the waiver by the City Engineer. Lots will be created and recorded by deed prior to the final approval of the waiver by the City Engineer.

E. FISCAL IMPACT

The total fees associated with this project are as follows:

Item	Price	Tech Fee	Total	Paid
Waiver of Parcel Map	\$1,873.87	\$114.83	\$2,028.70	Yes
Document fees	\$ 40.00		\$ 40.00	Yes

ATTACHMENTS

1. Waiver of Parcel Map Application
2. Proposed Map for Olive Ranch Apartments II LP
3. Preliminary Title Report
4. Resolution No. 2021-10
5. Zoning Compliance letter



City of Oroville

Planning Division - Community Development Department

1735 Montgomery Street
 Oroville, CA 95965-4897
 (530) 538-2430 FAX (530) 538-2426
www.cityoforoville.org

TRAKIT#:

PW2106-005

TPM 21-02

PLANNING DIVISION GENERAL APPLICATION

(Please print clearly and fill in all that apply)

APPLICANT'S INFORMATION		Project's:	Engineer
Name:	Olive Ranch Apartments II LP	Name:	Wesley Gilbert
Address:	1011 Parkview Ave Ste A Redding CA 96001	Company:	W. Gilbert Engineering
Phone:	(530) 244-0596	Address:	140 Yellowstone Dr Ste 110 Chico CA 95973
Email:	aknott@k2dci.com	Phone:	(530) 809-1315
Is the applicant the Owner?	<input type="checkbox"/>	If applicant is Not the owner, please provide owner /agent authorization on the reverse side.	
		Email:	wes@wgilbertengineering.com

DEVELOPMENT PROJECTS & OTHER APPLICATIONS (Please check all that apply)

<input type="checkbox"/>	Annexation	<input type="checkbox"/>	Landmark /Modification/Demolition	<input checked="" type="checkbox"/>	Tentative Parcel Map WAIVER
<input type="checkbox"/>	Appeal	<input type="checkbox"/>	Mining and Reclamation Plan	<input type="checkbox"/>	Tentative Subdivision Map
<input type="checkbox"/>	Development Review	<input type="checkbox"/>	Pre-Application	<input type="checkbox"/>	Use Permit
<input type="checkbox"/>	Final Map	<input type="checkbox"/>	Residential Density Bonus	<input type="checkbox"/>	Variance
<input type="checkbox"/>	General Plan Amendment/Rezone	<input type="checkbox"/>	Temporary Use	<input type="checkbox"/>	Wireless Communication Facilities
<input type="checkbox"/>	Landmark Designation	<input type="checkbox"/>	Tentative Map Extension	<input type="checkbox"/>	Zoning Clearance
<input type="checkbox"/>	Other: (Please Specify)	Waiver of Parcel Map			

ADMINISTRATIVE PERMITS (Please check all that apply)

<input type="checkbox"/>	Adult Oriented Business	<input type="checkbox"/>	Outdoor Storage	<input type="checkbox"/>	Special Event
<input type="checkbox"/>	Home Occupation	<input type="checkbox"/>	Outdoor Display & Sales	<input type="checkbox"/>	Street Closure
<input type="checkbox"/>	Large Family Day Care	<input type="checkbox"/>	Second Dwelling Unit	<input type="checkbox"/>	Tree Removal
<input type="checkbox"/>	Mobile Food Vendor	<input type="checkbox"/>	Sign/Temporary Sign Permit	<input type="checkbox"/>	
<input type="checkbox"/>	Other: (Please Specify)				

*Please provide a letter addressed to the Planning Division with a detailed description for the proposed project. Please include any site plans, maps, aerials, photos, and other relevant information that will help us in processing your application.

** Any time a set of plans is required, three (3) sets of drawings shall be submitted, unless otherwise directed.

PROJECT INFORMATION

Project Name: Waiver of Parcel Map	Proposed Structure(s) (Sq Ft.):
Address: 80 Tuscan Villa Drive	Existing Structure(s) (Sq Ft.):
Nearest Cross Street: Grand Avenue	Water Provider:
Assessor Parcel Number: 031-110-037 (portion)	School District:
Lot Size (Acres): 31.31 acres +/-	Number of Dwelling Units:

APPLICANT'S SIGNATURE

I hereby certify that the information provided in this application is, to my knowledge, true and correct.

Signature: <i>Allen A. Knott</i>	Date: 6.25.21
----------------------------------	---------------

OFFICE USE ONLY

General Plan:	Zoning:	Zoning Conformity:	APN:
File#	Overlay Zoning:	Minimum Setbacks:	FY RY SY

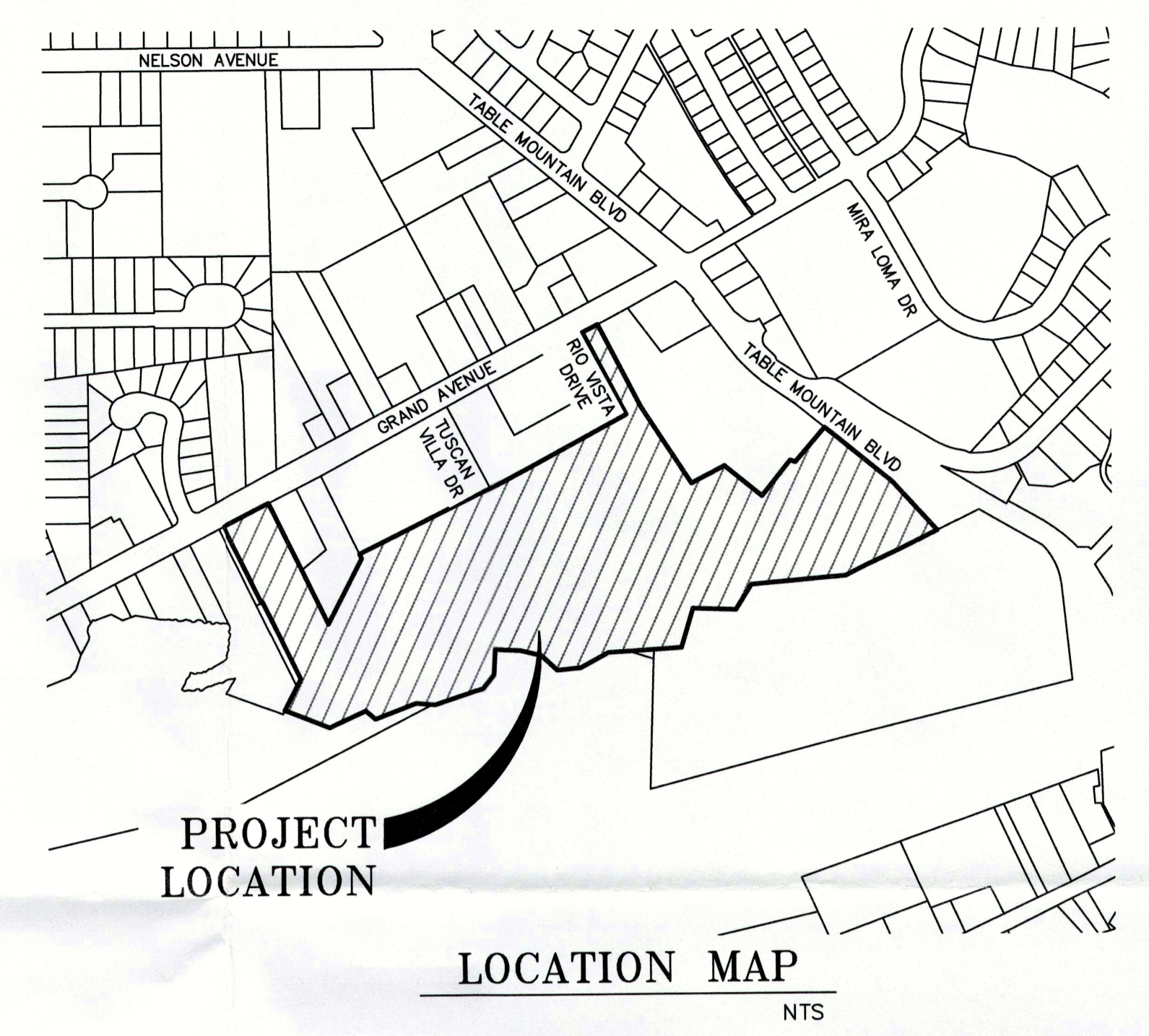
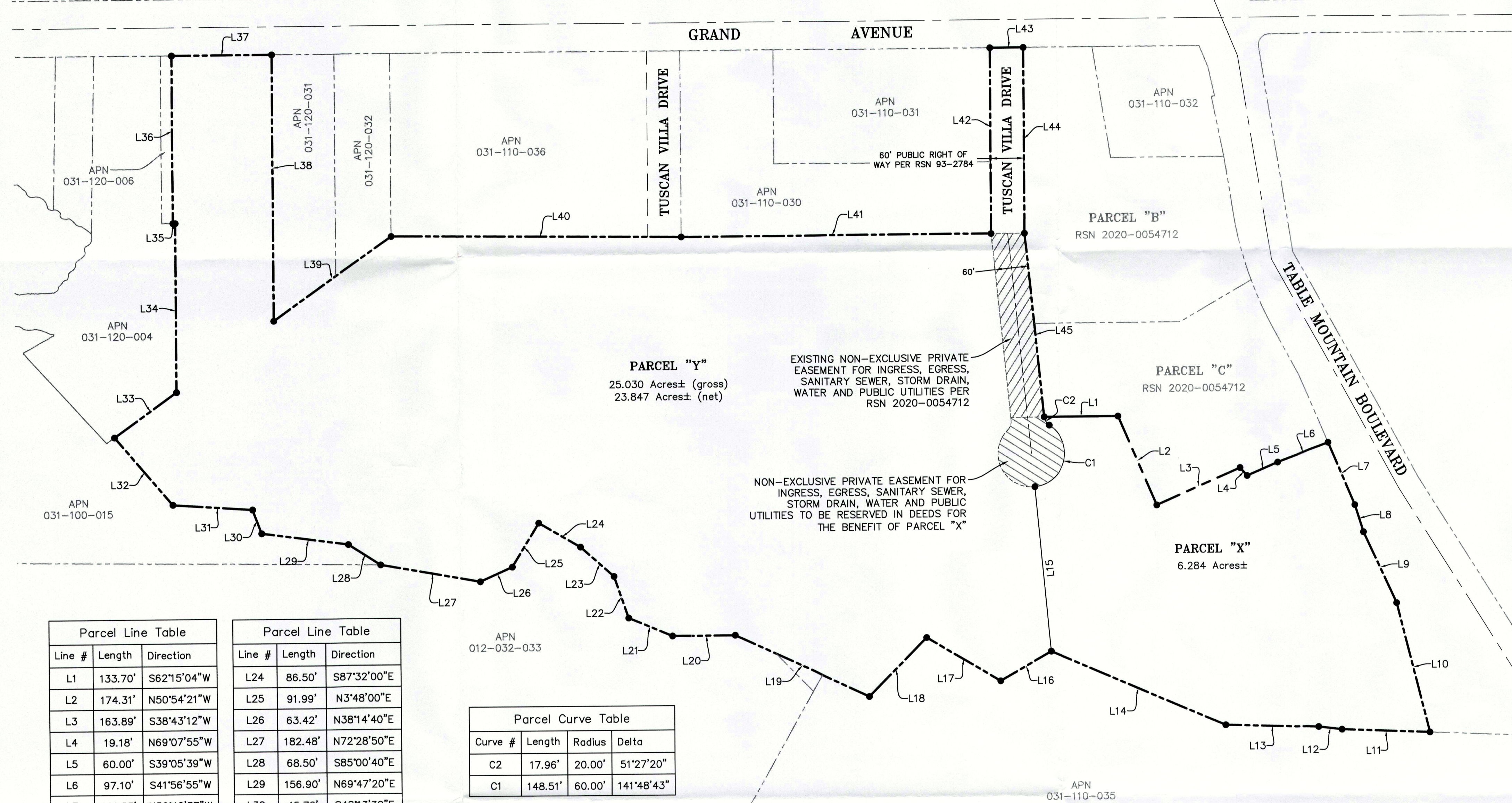
AGENT AUTHORIZATION			
To the City of Oroville, Department of Community Development			
NAME OF AGENT:	Allen Knott	PHONE NUMBER:	(530) 244-0596
COMPANY NAME:	Olive Ranch Apartments II LP	EMAIL:	aknott@k2dci.com
ADDRESS:	1011 Parkview Ave Ste A	CITY/ST/ZIP:	Redding CA 96001
AGENT SIGNATURE:			
Is hereby authorized to process this application on my/our property, identified as Butte County Assessor Parcel Number (s):			
031-110-037 (portion)			
This authorization allows representation for all applications, hearings, appeals, etc. and to sign all documents necessary for said processing, but not including document (s) relating to record title interest.			

Owner(s) of Record (sign and print name)

1)	Chuck Tatreau		6/21/21
	Print Name of Owner	Signature of Owner	Date
2)	_____	_____	_____
	Print Name of Owner	Signature of Owner	Date
3)	_____	_____	_____
	Print Name of Owner	Signature of Owner	Date
4)	_____	_____	_____
	Print Name of Owner	Signature of Owner	Date
	1237 Mangrove Ave Chico CA 95926	Chuck.tatreau@yahoo.com	(530) 228-7243
	Owner's Mailing Address	Owner's Email	Owner's Phone #

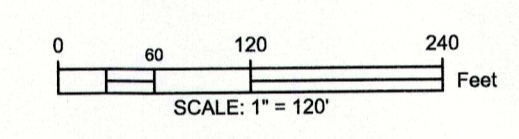
The Community Development Department operates on a full cost recovery for processing of permits. Staff will charge their time and any expenses associated with processing the application against the initial deposit. Fees that have been captured for the reimbursement of City expenses are non-refundable.

Technology cost recovery fees are non-refundable



PROJECT LOCATION

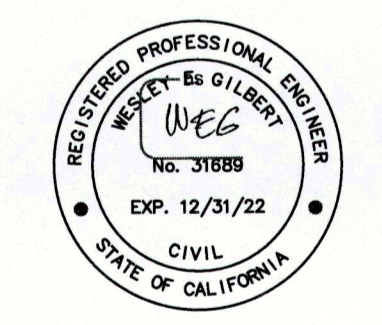
LOCATION MAP
NTS



SUBDIVISION NOTES:

- 1) PARCEL MAP INFORMATION:
TOTAL ACREAGE: 31.314 ACRES±
TOTAL NUMBER OF LOTS: 2
AVERAGE LOT SIZE: 15.657 ACRES±
- 2) THE PARCEL MAP LIES IN FLOOD ZONE "X" AS SHOWN ON FIRM MAP NUMBER 06007C0795E DATED JANUARY 6, 2011.
- 3) NO WELLS OR SEPTIC SYSTEMS ARE KNOWN TO EXIST ON THE PROPERTY.

THIS TENTATIVE WAIVER OF PARCEL MAP WAS PREPARED BY ME OR UNDER MY DIRECTION.
BY: Wesley E. Gilbert DATE: 6/23/2021
WESLEY E. GILBERT
R.C.E. 31689
EXPIRES: 12/31/22



Parcel Line Table			Parcel Line Table		
Line #	Length	Direction	Line #	Length	Direction
L1	133.70'	S62°15'04"W	L24	86.50'	S87°32'00"E
L2	174.31'	N50°54'21"W	L25	91.99'	N3°48'00"E
L3	163.89'	S38°43'12"W	L26	63.42'	N38°14'40"E
L4	19.18'	N69°07'55"W	L27	182.48'	N72°28'50"E
L5	60.00'	S39°05'39"W	L28	68.50'	S85°00'40"E
L6	97.10'	S41°56'55"W	L29	156.90'	N69°47'20"E
L7	121.53'	N50°42'37"W	L30	45.76'	S48°13'30"E
L8	51.02'	N45°01'36"W	L31	143.59'	N66°14'30"E
L9	140.36'	N52°15'04"W	L32	160.27'	S68°06'10"E
L10	238.60'	N41°47'26"W	L33	137.71'	S26°45'50"W
L11	158.29'	N64°35'00"E	L34	304.29'	S27°41'10"E
L12	42.29'	N69°11'00"E	L35	4.00'	N62°18'50"E
L13	167.50'	N64°11'00"E	L36	300.00'	S27°41'10"E
L14	341.21'	N85°32'49"E	L37	180.00'	N62°18'50"E
L15	295.92'	S33°01'28"E	L38	478.52'	S27°41'10"E
L16	105.00'	N32°51'30"E	L39	260.57'	S26°45'50"W
L17	154.16'	S87°08'30"E	L40	522.80'	S62°54'55"W
L18	146.56'	N17°21'10"E	L41	557.00'	S62°21'13"W
L19	265.13'	N87°06'23"E	L42	332.00'	S27°38'47"E
L20	112.35'	N62°06'20"E	L43	60.00'	S62°21'13"W
L21	85.40'	N84°56'00"E	L44	332.00'	N27°38'47"W
L22	79.16'	S46°48'50"E	L45	331.70'	S33°22'52"E
L23	80.09'	S76°01'10"E			

Parcel Curve Table			
Curve #	Length	Radius	Delta
C2	17.96'	20.00'	51°27'20"
C1	148.51'	60.00'	141°48'43"

ASSESSOR'S PARCEL NUMBERS:
031-120-005 & 008
031-110-037 (portion) & 038

LAND USE:
PRESENT: AGRICULTURAL
FUTURE: MULTI-FAMILY RESIDENTIAL

ZONING:
PRESENT: MXN/HD-O AND R-4/HD-O
FUTURE: MXN/HD-O AND R-4/HD-O

ENGINEER:
W. GILBERT ENGINEERING
WESLEY E. GILBERT, R.C.E. 31689
140 YELLOWSTONE DRIVE, SUITE 110
CHICO, CALIFORNIA 95973
(530) 809-1315

OWNER:
CHUCK TATREAU CONSTRUCTION, INC.
1237 MANGROVE AVENUE,
CHICO, CA 95926

SUBDIVIDER:
OLIVE RANCH APARTMENTS II LP
1011 PARKVIEW AVENUE, SUITE A
REDDING, CA 96001
(530) 244-0596

UTILITIES:
SANITARY SEWER: CITY OF OROVILLE
WATER: THERMALITO WATER & SEWER DISTRICT
POWER: PACIFIC GAS & ELECTRIC
COMMUNICATIONS: AT&T
CABLE TV: COMCAST
STORM DRAIN: CITY OF OROVILLE

 <p><i>First American Title</i></p> <p>Guarantee</p>	<p>CLTA Guarantee Form No. 28 - Condition of Title</p> <p>ISSUED BY First American Title Insurance Company</p> <p>GUARANTEE NUMBER 5026900-6606967</p>
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SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE GUARANTEE CONDITIONS ATTACHED HERETO AND MADE A PART OF THIS GUARANTEE.

FIRST AMERICAN TITLE INSURANCE COMPANY
a Nebraska corporation, herein called the Company

GUARANTEES

against loss or damage not exceeding the Amount of Liability stated in Schedule A sustained by the Assured by reason of any incorrectness in the Assurances set forth in Schedule A

First American Title Insurance Company



Dennis J. Gilmore, President



Greg L. Smith, Secretary

By:

Authorized Countersignature

This jacket was created electronically and constitutes an original document

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EXCLUSIONS FROM COVERAGE

Item 3.

Except as expressly provided by the assurances in Schedule A, the Company assumes no liability for loss or damage by reason of the following:

- (a) Defects, liens, encumbrances, adverse claims or other matters against the title to any property beyond the lines of the Land.
- (b) Defects, liens, encumbrances, adverse claims or other matters, whether or not shown by the Public Records (1) that are created, suffered, assumed or agreed to by one or more of the Assureds; or, (2) that result in no loss to the Assured.
- (c) Defects, liens, encumbrances, adverse claims or other matters not shown by the Public Records.
- (d) The identity of any party shown or referred to in any of the schedules of this Guarantee.

- (e) The validity, legal effect or priority of any matter shown or referred to in any of the schedules of this Guarantee.
- (f) (1) Taxes or assessments of any taxing authority that levies taxes or assessments on real property; or, (2) proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not the matters excluded under (1) or (2) are shown by the records of the taxing authority or by the Public Records.
- (g) (1) Unpatented mining claims; (2) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (3) water rights, claims or title to water, whether or not the matters excluded under (1), (2) or (3) are shown by the Public Records.

GUARANTEE CONDITIONS

1. Definition of Terms.

The following terms when used in the Guarantee mean:

- a. the "Assured": the party or parties named as the Assured in Schedule A, or on a supplemental writing executed by the Company.
- b. "Land": the Land described or referred to in Schedule A, and improvements affixed thereto which by law constitute real property. The term "Land" does not include any property beyond the lines of the area described or referred to in Schedule A, nor any right, title, interest, estate or easement in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
- c. "Mortgage": mortgage, deed of trust, trust deed, or other security instrument.
- d. "Public Records": those records established under California statutes at Date of Guarantee for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge.
- e. "Date of Guarantee": the Date of Guarantee set forth in Schedule A.
- f. "Amount of Liability": the Amount of Liability as stated in Schedule A.

2. Notice of Claim to be Given by Assured.

The Assured shall notify the Company promptly in writing in case knowledge shall come to an Assured of any assertion of facts, or claim of title or interest that is contrary to the assurances set forth in Schedule A and that might cause loss or damage for which the Company may be liable under this Guarantee. If prompt notice shall not be given to the Company, then all liability of the Company shall terminate with regard to the matter or matters for which prompt notice is required; provided, however, that failure to notify the Company shall in no case prejudice by the failure and then only to the extent of the prejudice.

3. No Duty to Defend or Prosecute.

The Company shall have no duty to defend or prosecute any action or proceeding to which the Assured is a party, notwithstanding the nature of any allegation in such action or proceeding.

4. Company's Option to Defend or Prosecute Actions; Duty of Assured to Cooperate.

Even though the Company has no duty to defend or prosecute as set forth in Paragraph 3 above:

- a. The Company shall have the right, at its sole option and cost, to institute and prosecute any action or proceeding, interpose a defense, as limited in Paragraph 4 (b), or to do any other act which in its opinion may be necessary or desirable to establish the correctness of the assurances set forth in Schedule A or to prevent or reduce loss or damage to the Assured. The Company may take any appropriate action under the terms of this Guarantee, whether or not it shall be liable hereunder, and shall not thereby concede liability or waive any provision of this Guarantee. If the Company shall exercise its rights under this paragraph, it shall do so diligently.
- b. If the Company elects to exercise its options as stated in Paragraph 4(a) the Company shall have the right to select counsel of its choice (subject to the right of the Assured to object for reasonable cause) to represent the Assured and shall not be liable for and will not pay the fees of any other counsel, nor will the Company pay any fees, costs or expenses incurred by an Assured in the defense of those causes of action which allege matters not covered by this Guarantee.
- c. Whenever the Company shall have brought an action or interposed a defense as permitted by the provisions of this Guarantee, the Company may pursue any litigation to final determination by a court of competent jurisdiction and expressly reserves the right, in its sole discretion, to appeal from an adverse judgment or order.
- d. In all cases where this Guarantee permits the Company to prosecute or provide for the defense of any action or proceeding, the Assured shall secure to the Company the right to so prosecute or provide for the defense of any action or proceeding, and all appeals therein, and permit the Company to use, at its option, the name of such Assured for this purpose. Whenever requested by

the Company, the Assured, at the Company's expense, shall give the Company all reasonable aid in any action or proceeding, securing evidence, obtaining witnesses, prosecuting or defending the action or lawful act which in the opinion of the Company may be necessary or desirable to establish the correctness of the assurances set forth in Schedule A to prevent or reduce loss or damage to the Assured. If the Company is prejudiced by the failure of the Assured to furnish the required cooperation, the Company's obligations to the Assured under the Guarantee shall terminate.

5. Proof of Loss or Damage.

- a. In the event the Company is unable to determine the amount of loss or damage, the Company may, at its option, require as a condition of payment that the Assured furnish a signed proof of loss. The proof of loss must describe the defect, lien, encumbrance, or other matter that constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage.
- b. In addition, the Assured may reasonably be required to submit to examination under oath by any authorized representative of the Company and shall produce for examination, inspection and copying, at such reasonable times and places as may be designated by any authorized representative of the Company, all records, books, ledgers, checks, correspondence and memoranda, whether bearing a date before or after Date of Guarantee, which reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Assured shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect and copy all records, books, ledgers, checks, correspondence and memoranda in the custody or control of a third party, which reasonably pertain to the loss or damage. All information designated as confidential by the Assured provided to the Company pursuant to this paragraph shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Assured to submit for examination under oath, produce other reasonably requested information or grant permission to secure reasonable necessary information from third parties, as required in the above paragraph, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this Guarantee to the Assured for that claim.

6. Options to Pay or Otherwise Settle Claims: Termination of Liability.

In case of a claim under this Guarantee, the Company shall have the following additional options:

- a. To pay or tender payment of the Amount of Liability together with any costs, attorneys' fees, and expenses incurred by the Assured that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay.

- b. To pay or otherwise settle with the Assured any claim assured against under this Guarantee. In addition, the Company will pay any costs, attorneys' fees, and expenses incurred by the Assured that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay; or
- c. To pay or otherwise settle with other parties for the loss or damage provided for under this Guarantee, together with any costs, attorneys' fees, and expenses incurred by the Assured that were authorized by the Company up to the time of payment and that the Company is obligated to pay.

Upon the exercise by the Company of either of the options provided for in 6 (a), (b) or (c) of this paragraph the Company's obligations to the Assured under this Guarantee for the claimed loss or damage, other than the payments required to be made, shall terminate, including any duty to continue any and all litigation initiated by the Company pursuant to Paragraph 4.

7. Limitation Liability.

- a. This Guarantee is a contract of Indemnity against actual monetary loss or damage sustained or incurred by the Assured claimant who has suffered loss or damage by reason of reliance upon the assurances set forth in Schedule A and only to the extent herein described, and subject to the Exclusions From Coverage of This Guarantee.
- b. If the Company, or the Assured under the direction of the Company at the Company's expense, removes the alleged defect, lien, or encumbrance or cures any other matter assured against by this Guarantee in a reasonably diligent manner by any method, including litigation and the completion of any appeals therefrom, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused thereby.
- c. In the event of any litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals therefrom.
- d. The Company shall not be liable for loss or damage to the Assured for liability voluntarily assumed by the Assured in settling any claim or suit without the prior written consent of the Company.

8. Reduction of Liability or Termination of Liability.

All payments under this Guarantee, except payments made for costs, attorneys' fees and expenses pursuant to Paragraph 4 shall reduce the Amount of Liability under this Guarantee pro tanto.

9. Payment of Loss.

- a. No payment shall be made without producing this Guarantee for endorsement of the payment unless the Guarantee has been lost or destroyed, in which case proof of loss or destruction shall be furnished to the satisfaction of the Company.
- b. When liability and the extent of loss or damage has been definitely fixed in accordance with these Conditions, the loss or damage shall be payable within thirty (30) days thereafter.

10. Subrogation Upon Payment or Settlement.

Whenever the Company shall have settled and paid a claim under this Guarantee, all right of subrogation shall vest in the Company unaffected by any act of the Assured claimant.

The Company shall be subrogated to and be entitled to all rights and remedies which the Assured would have had against any person or property in respect to the claim had this Guarantee not been issued. If requested by the Company, the Assured shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect this right of subrogation. The Assured shall permit the Company to sue, compromise or settle in the name of the Assured and to use the name of the Assured in any transaction or litigation involving these rights or remedies.

If a payment on account of a claim does not fully cover the loss of the Assured the Company shall be subrogated to all rights and remedies of the Assured after the Assured shall have recovered its principal, interest, and costs of collection.

11. Arbitration.

Either the Company or the Assured may demand that the claim or controversy shall be submitted to arbitration pursuant to the Title Insurance Arbitration Rules of the American Land Title Association ("Rules"). Except as provided in the Rules, there shall be no joinder or consolidation with claims or controversies of other persons. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Assured arising out of or relating to this Guarantee, any service of the Company in connection with its issuance or the breach of a Guarantee provision, or to any other controversy or claim arising out of the transaction giving rise to this Guarantee. All arbitrable matters when the amount of liability is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Assured. All arbitrable matters when the amount of liability is in excess of \$2,000,000 shall be arbitrated only when agreed to by both the Company and the Assured. Arbitration pursuant to this Guarantee and under the Rules shall be binding upon the parties. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court of competent jurisdiction.

12. Liability Limited to This Guarantee; Guarantee Entire Contract.

- a. This Guarantee together with all endorsements, if any, attached hereto by the Company is the entire Guarantee and contract between the Assured and the Company. In interpreting any provision of this Guarantee, this Guarantee shall be construed as a whole.
- b. Any claim of loss or damage, whether or not based on negligence, or any action asserting such claim, shall be restricted to this Guarantee.
- c. No amendment of or endorsement to this Guarantee can be made except by a writing endorsed hereon or attached hereto signed by either the President, a Vice President, the Secretary, an Assistant Secretary, or validating officer or authorized signatory of the Company.

13. Severability.

In the event any provision of this Guarantee, in whole or in part, is held invalid or unenforceable under applicable law, the Guarantee shall be deemed not to include that provision or such part held to be invalid, but all other provisions shall remain in full force and effect.

14. Choice of Law; Forum.

- a. Choice of Law: The Assured acknowledges the Company has underwritten the risks covered by this Guarantee and determined the premium charged therefor in reliance upon the law affecting interests in real property and applicable to the interpretation, rights, remedies, or enforcement of Guaranties of the jurisdiction where the Land is located.

Therefore, the court or an arbitrator shall apply the law of the jurisdiction where the Land is located to determine the validity of claims that are adverse to the Assured and to interpret and enforce the terms of this Guarantee. In neither case shall the court or arbitrator apply its conflicts of law principles to determine the applicable law.

- b. Choice of Forum: Any litigation or other proceeding brought by the Assured against the Company must be filed only in a state or federal court within the United State of America or its territories having appropriate jurisdiction.

15. Notices, Where Sent.

All notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this Guarantee and shall be addressed to the Company at **First American Title Insurance Company, Attn: Claims National Intake Center, 5 First American Way, Santa Ana, California 92707. Phone: 888-632-1642 (claims.nic@firstam.com).**

 <p><i>First American Title</i></p> <p>Schedule A</p>	<p>CLTA Guarantee Form No. 28 - Condition of Title</p> <p>ISSUED BY First American Title Insurance Company</p> <p>GUARANTEE NUMBER 5026900-6606967</p>
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File No.: 6606967

Guarantee No. 6606967

Amount of Liability: \$

Date of Guarantee: June 08, 2021 at 7:30 A.M.

Fee: \$1000.00

1. Name of Assured:

Chuck Tatreau Construction, Inc., a California corporation

2. The estate or interest in the Land which is covered by this Guarantee is:

Fee

3. The Land referred to in this Guarantee is described as follows:

Real property in the City of , County of Butte, State of California, described as follows:

PARCEL I:

BEING A PORTION OF LOTS 6 AND 7 OF BLOCK 4 OF THERMALITO ACCORDING TO THE OFFICIAL MAP THERE OF FILED AS OF RECORD JUNE 8, 1887 IN THE OFFICE OF THE COUNTY RECORDER OF BUTTE COUNTY, CALIFORNIA, AND A PORTION OF PARCEL 2 AS SHOWN ON THAT CERTAIN MAP ENTITLED "PARCEL MAP #13-04" RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA, IN BOOK 185 OF MAPS, AT PAGES 18 AND 19, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF GRAND AVENUE AND THE EASTERLY RIGHT OF WAY LINE OF RIO VISTA DRIVE; THENCE FROM SAID POINT OF BEGINNING ALONG SAID EASTERLY RIGHT OF WAY LINE OF SAID RIO VISTA DRIVE SOUTH 27° 38' 47" EAST A DISTANCE OF 332.00 FEET TO THE SOUTHEAST CORNER OF SAID RIO VISTA DRIVE; THENCE SOUTH 33° 22' 52" EAST A DISTANCE OF 331.71 FEET; THENCE NORTH 62° 15' 04" EAST A DISTANCE OF 133.70 FEET; THENCE SOUTH 50° 54' 21" EAST A DISTANCE OF 174.31 FEET; THENCE NORTH 38° 43' 12" EAST A DISTANCE OF 163.89 FEET; THENCE SOUTH 69° 07' 55" EAST A DISTANCE OF 19.18 FEET; THENCE NORTH 39° 05' 39" EAST A DISTANCE OF 60.00 FEET; THENCE NORTH 41° 56' 55" EAST A DISTANCE OF 97.10 FEET TO A POINT ON THE EASTERLY LINE OF SAID PARCEL 2 AND THE WESTERLY RIGHT OF WAY LINE OF TABLE MOUNTAIN BOULEVARD; THENCE ALONG SAID EASTERLY LINE OF SAID PARCEL 2 AND SAID WESTERLY RIGHT OF WAY LINE OF TABLE MOUNTAIN BOULEVARD SOUTH 50° 42' 37" EAST A DISTANCE OF 121.53 FEET; THENCE SOUTH 45° 01' 36" EAST A DISTANCE OF 51.02 FEET; THENCE SOUTH 52° 15' 04" EAST A DISTANCE OF 140.36 FEET; THENCE SOUTH 41° 47' 26" EAST A DISTANCE OF 238.60 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 2; THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE OF TABLE MOUNTAIN BOULEVARD AND ALONG THE SOUTHERLY LINE OF SAID PARCEL 2 SOUTH 64° 35' 00" WEST A DISTANCE OF 158.29 FEET; THENCE SOUTH 69° 11' 00" WEST A DISTANCE OF

42.29 FEET; THENCE SOUTH 64° 11' 00" WEST A DISTANCE OF 167.50 FEET; THENCE SOUTH 85° 32' 49" WEST A DISTANCE OF 341.21 FEET; SOUTH 32° 51' 30" WEST A DISTANCE OF 105.00 FEET; NORTH 87° 08' 30" WEST A DISTANCE OF 154.16 FEET; SOUTH 17° 21' 10" WEST A DISTANCE OF 146.56 FEET; SOUTH 87° 06' 23" WEST A DISTANCE OF 265.13 FEET; SOUTH 62° 06' 20" WEST A DISTANCE OF 112.35 FEET; SOUTH 84° 56' 00" WEST A DISTANCE OF 85.40 FEET; NORTH 46° 48' 50" WEST A DISTANCE OF 79.16 FEET; NORTH 76° 01' 10" WEST A DISTANCE OF 80.09 FEET; NORTH 87° 32' 00" WEST A DISTANCE OF 86.50 FEET; SOUTH 03° 48' 00" WEST A DISTANCE OF 91.99 FEET; SOUTH 38° 14' 40" WEST A DISTANCE OF 63.42 FEET; SOUTH 72° 28' 50" WEST A DISTANCE OF 182.48 FEET; NORTH 85° 00' 40" WEST A DISTANCE OF 68.50 FEET; SOUTH 69° 47' 20" WEST A DISTANCE OF 156.90 FEET; NORTH 48° 13' 30" WEST A DISTANCE OF 45.76 FEET; SOUTH 66° 14' 30" WEST A DISTANCE OF 143.59 FEET; NORTH 68° 06' 10" WEST A DISTANCE OF 160.27 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 2; THENCE ALONG THE NORTHWESTERLY LINE OF SAID PARCEL 2 NORTH 26° 45' 50" EAST A DISTANCE OF 137.71 FEET; THENCE LEAVING SAID NORTHWESTERLY LINE OF SAID PARCEL 2 NORTH 27° 41' 10" WEST A DISTANCE OF 304.29 FEET; THENCE SOUTH 62° 18' 50" WEST A DISTANCE OF 4.00 FEET; THENCE NORTH 27° 41' 10" WEST A DISTANCE OF 300.00 FEET TO A POINT ON SAID SOUTHERLY RIGHT OF WAY LINE OF SAID GRAND AVENUE; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF SAID GRAND AVENUE NORTH 62° 18' 50" EAST A DISTANCE OF 180.00 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY LINE OF SAID GRAND AVENUE SOUTH 27° 41' 10" EAST A DISTANCE OF 478.52 FEET TO A POINT ON SAID NORTHWESTERLY LINE OF SAID PARCEL 2; THENCE ALONG SAID NORTHWESTERLY LINE OF SAID PARCEL 2 NORTH 26° 45' 50" EAST A DISTANCE OF 260.57 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 2; THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL 2 NORTH 62° 54' 55" EAST A DISTANCE OF 522.80 FEET; THENCE NORTH 62° 21' 13" EAST A DISTANCE OF 557.00 FEET TO THE SOUTHWEST CORNER OF SAID RIO VISTA DRIVE AND AN ANGLE POINT IN SAID NORTHERLY LINE OF SAID PARCEL 2; THENCE ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID RIO VISTA DRIVE AND THE WESTERLY LINE OF SAID PARCEL 2 NORTH 27° 38' 47" WEST A DISTANCE OF 332.00 FEET TO THE NORTHWEST CORNER OF SAID RIO VISTA DRIVE AND A POINT ON SAID SOUTHERLY RIGHT OF WAY LINE OF SAID GRAND AVENUE; THENCE ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID RIO VISTA DRIVE AND SAID SOUTHERLY RIGHT OF WAY LINE OF SAID GRAND AVENUE NORTH 62° 21' 13" EAST A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

RESERVING THEREFROM A NON-EXCLUSIVE PRIVATE EASEMENT FOR INGRESS, EGRESS, SANITARY SEWER, STORM DRAIN, WATER AND PUBLIC UTILITIES DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF GRAND AVENUE AND THE EASTERLY RIGHT OF WAY LINE OF RIO VISTA DRIVE; THENCE FROM SAID POINT OF COMMENCEMENT LEAVING SAID SOUTHERLY RIGHT OF WAY LINE OF SAID GRAND AVENUE AND ALONG SAID EASTERLY RIGHT OF WAY LINE OF SAID RIO VISTA DRIVE SOUTH 27° 38' 47" EAST A DISTANCE OF 332.00 FEET TO THE SOUTHEAST CORNER OF SAID RIO VISTA DRIVE AND THE TRUE POINT OF BEGINNING FOR THE EASEMENT HEREIN DESCRIBED; THENCE FROM SAID TRUE POINT OF BEGINNING SOUTH 33° 22' 52" EAST A DISTANCE OF 331.71 FEET; THENCE SOUTH 62° 15' 04" WEST A DISTANCE OF 59.99 FEET; THENCE NORTH 33° 22' 52" WEST A DISTANCE OF 331.81 FEET TO SAID SOUTHWEST CORNER OF SAID RIO VISTA DRIVE; THENCE ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID RIO VISTA DRIVE NORTH 62° 21' 13" EAST A DISTANCE OF 60.00 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL HEREIN IS PURSUANT TO A LOT LINE ADJUSTMENT APPROVED BY THE CITY OF OROVILLE, SHOWN AS PARCEL "A", IN CERTIFICATE OF COMPLIANCE RECORDED DECEMBER 31, 2020 AS SERIAL NO. 2020-0054713 OF OFFICIAL RECORDS.

PARCEL II:

A PORTION OF LOT 1 OF BLOCK 4 OF THERMALITO, ACCORDING TO THE OFFICIAL MAP THEREOF AND OF THE LAND LYING EASTERLY OF SAID LOT 1 AND BETWEEN SAID LOT 1 AND THE OROVILLE-CHICO STATE HIGHWAY DEFINITELY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WESTERLY LINE OF SAID OROVILLE-CHICO STATE HIGHWAY WITH THE SOUTHERLY LINE OF GRAND AVENUE AND RUNNING THENCE WESTERLY ALONG THE SAID SOUTHERLY LINE OF GRAND AVENUE A DISTANCE OF 203 FEET TO A POINT; THENCE SOUTHERLY AND PARALLEL WITH THE WESTERLY LINE OF SAID OROVILLE-CHICO STATE HIGHWAY A DISTANCE OF 203 FEET; THENCE EASTERLY AND PARALLEL WITH THE SAID SOUTHERLY LINE OF GRAND AVENUE A DISTANCE OF 203 FEET TO A POINT IN THE SAID WESTERLY LINE OF SAID OROVILLE-CHICO STATE HIGHWAY; THENCE NORTHERLY ALONG THE SAID WESTERLY LINE OF HIGHWAY TO THE POINT OF BEGINNING.

APN: 031-120-005 and 031-120-008 and 031-110-037(portion) and 031-110-038 and 031-110-032

4. ASSURANCES:

According to the Public Records as of the Date of Guarantee,

a. Title to the estate or interest in the Land is vested in:

Chuck Tatreau Construction, Inc., a California corporation

b. Title to the estate or interest is subject to defects, liens, or encumbrances shown in Schedule B which are not necessarily shown in the order of their priority.



First American Title

CLTA Guarantee Form No. 28 -
Condition of Title

ISSUED BY
First American Title Insurance Company

GUARANTEE NUMBER
5026900-6606967

Schedule B

File No.: 6606967

1. General and special taxes and assessments for the fiscal year 2021-2022, a lien not yet due or payable.
2. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.

RE-CHECK SUPPLEMENTAL TAXES PRIOR TO THE CLOSE OF ESCROW.

3. The herein described land lies within the bounds of Thermalito Water and Sewer District.

Note: For any amounts due, contact:
 Thermalito Water and Sewer District
 410 Grand Avenue
 Oroville, CA 95965
 Phone: 530 533-0740

4. The herein described land lies within the bounds of Oroville Sewer Service District. Collected with Butte County Taxes.
5. An easement for ingress, egress and public utilities and incidental purposes and incidental purposes in the document recorded June 15, 1981 as Book 2631, Page 224 of Official Records.

Affects: Rio Vista Drive, as shown on Map filed July 30, 2014 in Book 185, Page(s) 18 and 19 of Maps. (Parcel I)

6. Oroville Redevelopment Project No. 1, as set forth in that redevelopment agreement recorded July 9, 1981 in Book 2638, Page 228, Official Records.
7. An easement for right of way and incidental purposes and incidental purposes in the document recorded January 21, 1993 as Serial No. 1993-002784 of Official Records.

Affects: Rio Vista Drive (Parcel I)

8. Easements, set back lines, and note(s) if any, as shown or dedicated by Parcel Map filed July 30, 2014 in Book 185, Page(s) 18 and 19, of Maps.
9. Requirements and Provisions contained in the instrument recorded on December 31, 2020 as Serial No. 2020-0054713 of Official Records.

Reference is hereby made to the recorded instrument for a full understanding.

Affects: The land and other property.

10. An easement for ingress, egress, sanitary sewer, storm drain, water and public utilities and incidental purposes in the document recorded February 25, 2021 as Serial No. 2021-9310 of Official Records.

Affects: Rio Vista Drive (Parcel I)

11. Water rights, claims or title to water, whether or not shown by the public records.
12. A deed of trust to secure an original indebtedness of \$465,000.00 recorded June 2, 2021 as Serial No. 2021-0025223 of Official Records.

Dated: June 1, 2021
 Trustor: Chuck Tatreau Construction, Inc., a California corporation
 Trustee: First American Title Insurance Company, a Nebraska corporation
 Beneficiary: Ronald R. Jimenez, trustee of the Ronald R. Jimenez Trust,
 dated 11/3/1998

Affects: The land and other property.

13. With respect to Chuck Tatreau Construction, Inc., a corporation:
- A certificate of good standing of recent date issued by the Secretary of State of the corporation's state of domicile.
 - A certified copy of a resolution of the Board of Directors authorizing the contemplated transaction and designating which corporate officers shall have the power to execute on behalf of the corporation.
 - Other requirements which the Company may impose following its review of the material required herein and other information which the Company may require.

14. General and special taxes and assessments for the fiscal year 2020-2021.

First Installment: \$158.49, PAID
 Penalty: \$0.00
 Second Installment: \$158.49, PAID
 Penalty: \$0.00
 Tax Rate Area: 004-010
 A. P. No.: 031-120-005

15. General and special taxes and assessments for the fiscal year 2020-2021.

First Installment: \$664.48, PAID
 Penalty: \$0.00
 Second Installment: \$664.48, PAID
 Penalty: \$0.00
 Tax Rate Area: 004-010
 A. P. No.: 031-120-008

16. General and special taxes and assessments for the fiscal year 2020-2021.
 First Installment: \$2,065.12, PAID
 Penalty: \$0.00
 Second Installment: \$2,065.12, PAID
 Penalty: \$0.00
 Tax Rate Area: 004-010
 A. P. No.: 031-110-037(portion)
17. General and special taxes and assessments for the fiscal year 2020-2021.
 First Installment: \$81.92, PAID
 Penalty: \$0.00
 Second Installment: \$81.92, PAID
 Penalty: \$0.00
 Tax Rate Area: 004-010
 A. P. No.: 031-110-038
18. General and special taxes and assessments for the fiscal year 2020-2021.
 First Installment: \$1,354.80, PAID
 Penalty: \$0.00
 Second Installment: \$1,354.80, PAID
 Penalty: \$0.00
 Tax Rate Area: 004-010
 A. P. No.: 031-110-032
19. The Vestee herein acquired Title by Document (s) Recorded June 2, 2021 as Serial No. 2021-0025222.
- VP:no

RESOLUTION NO. P2021-10

A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION CONDITIONALLY APPROVING A TENTATIVE PARCEL MAP WAIVER TO FACILITATE THE DEVELOPMENT OF OLIVE RANCH 3 AFFORDABLE APARTMENTS.

WHEREAS, the City of Oroville staff recommends Tentative Parcel Map Waiver No. 21-02; and

WHEREAS, the tentative map to separate a 31.3 acre parcel into two parcels -- Parcel X at 6.284 acres and Parcel Y at 25.030 acres is created to facilitate the development of 51 3-story Olive Ranch Phase 3 affordable apartments.

WHEREAS, the proposed map meets the criteria of Oroville Municipal Code 16.12.040 B to allow a waiver.

WHEREAS, at a duly noticed public meeting, the Planning Commission considered the comments and concerns of anyone potentially affected by the approval of the parcel map waiver described herein, and also considered the City's staff report regarding the change.

WHEREAS, the requested waiver of a tentative parcel map will be in conformance with the General Plan and the City's zoning ordinance after a minor adjustment to conform to new parcel lines and to avoid dual zoning of any parcel.

WHEREAS, the requested waiver parcel map seeks no variances or exceptions,

WHEREAS, all required services and access to the proposed parcels are available and meet City standards, or will be required prior to recordation,

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION as follows:

1. This action has been determined to be Categorical Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, Division 6, Chapter 3 of the California Code of Regulations, Article 19 Categorical Exemptions, Section 15315 "MINOR LAND DIVISIONS"
2. The Planning Commission approves the waiver of a parcel map to separate a 31.3 acre parcel into two parcels -- Parcel X at 6.284 acres and Parcel Y at 25.030

acres is created to facilitate the development of 51 3-story Olive Ranch Phase 3 affordable apartments.

CONDITIONS OF APPROVAL

- 1. To be determined by the City Engineer

--- End of Conditions ---

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at a regular meeting of the Planning Commission of the City of Oroville held on the 22nd of July 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

JACKIE GLOVER, ASSISTANT CITY CLERK

CARL DURLING, CHAIRPERSON



City of Oroville

PLANNING AND DEVELOPMENT SERVICES

Leonardo DePaola
DIRECTOR

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2402 FAX (530) 538-2426
www.cityoforoville.org

June 29, 2021

Wesley E. Gilbert, P.E.
President, W.G. Civil Engineers, Inc.
dba W. Gilbert Engineering
140 Yellowstone Drive, Suite 110
Chico, CA 95973

**Subject: OLIVE RANCH SUBDIVISION ZONING COMPLIANCE
APN 031-110-037 et al**

Wes—

The City recently approved three phases of the Olive Ranch affordable apartment complex by right, including an associated lot line adjustment. The projects met all Zoning regulations and successfully underwent Development Review Committee approval. You have requested clarification of the existing Zoning, which has necessitated a review of lot line changes that have occurred since General Plan and Zoning Code adoption in 2015.

The sequence of lot line changes appears to be:

- The former ~3.8-acre parcel along Table Mountain Blvd (APN 031-110-033) had a Zoning designation of R4 (Urban Density Residential) in the 2015 General Plan. Adjacent APN 031-110-037 has a Zoning designation of MXN (Neighborhood Mixed Use).
- Parcel APN 031-110-033 was then merged into APN 031-110-037 in September 2015 (Recorded Parcel Map #13-04, Book 185 Page 18 &19). The R-4 Zoning of the merged portion was not changed. The remainder of the merged lot thus has a Zoning designation of MXN (neighborhood Mixed Use). This created a dual zoning situation for the new larger parcel.
- The dual Zoning was not changed for the lot line adjustment completed in 2020 to facilitate Phase 1 and Phase 2 of the Olive Ranch Subdivision. Portions of the built area are Zoned R4 and portions are Zoned MXN.

- The Parcels “B” and “C” and unnamed southern parcel in the draft Phase II ALTA Survey map dated June 9, 2021, remain with dual zoning.
- The proposed Tentative Waiver of Parcel Map (TPM 21- 02) dated June 21, 2021, is still dual zoned for the western portions of Parcels B, C and X.

To be clear, the Olive Ranch Phase 1, 2 & 3 are all permitted by right in either zone. However, to eliminate a permanent dual zoning situation, city staff proposes to bring our zoning up to date to match the new parcel boundaries. Unless applicant objects, we plan to:

1. Ask the City Council to Zone as R-4 the entirety of Parcels B and C and X (as currently or subsequently shown in your draft Tentative Waiver of Parcel Map dated June 21, 2021). The associated development standards can be found in Oroville Municipal Code (OMC) 17.28.020, including an allowable density range of 20-30 units per acre and a maximum building height of 50 feet. Olive Ranch 1, 2, & 3 all comply.
2. Leave the remainder of Parcel 031-110-037 unchanged. It will remain MXN. The development standards for this zone are in OMC 17.34.040, including maximum residential density of 30 units per acre and maximum building height of 40 feet. This zone and its development standards should allow development of the row houses suggested as Phase 4 of the project, plus any commercial development that may be proposed.
3. Leave the portions of the parcel set aside for private easement as MXN until and unless dedicated to the City, after which they would become public roads.

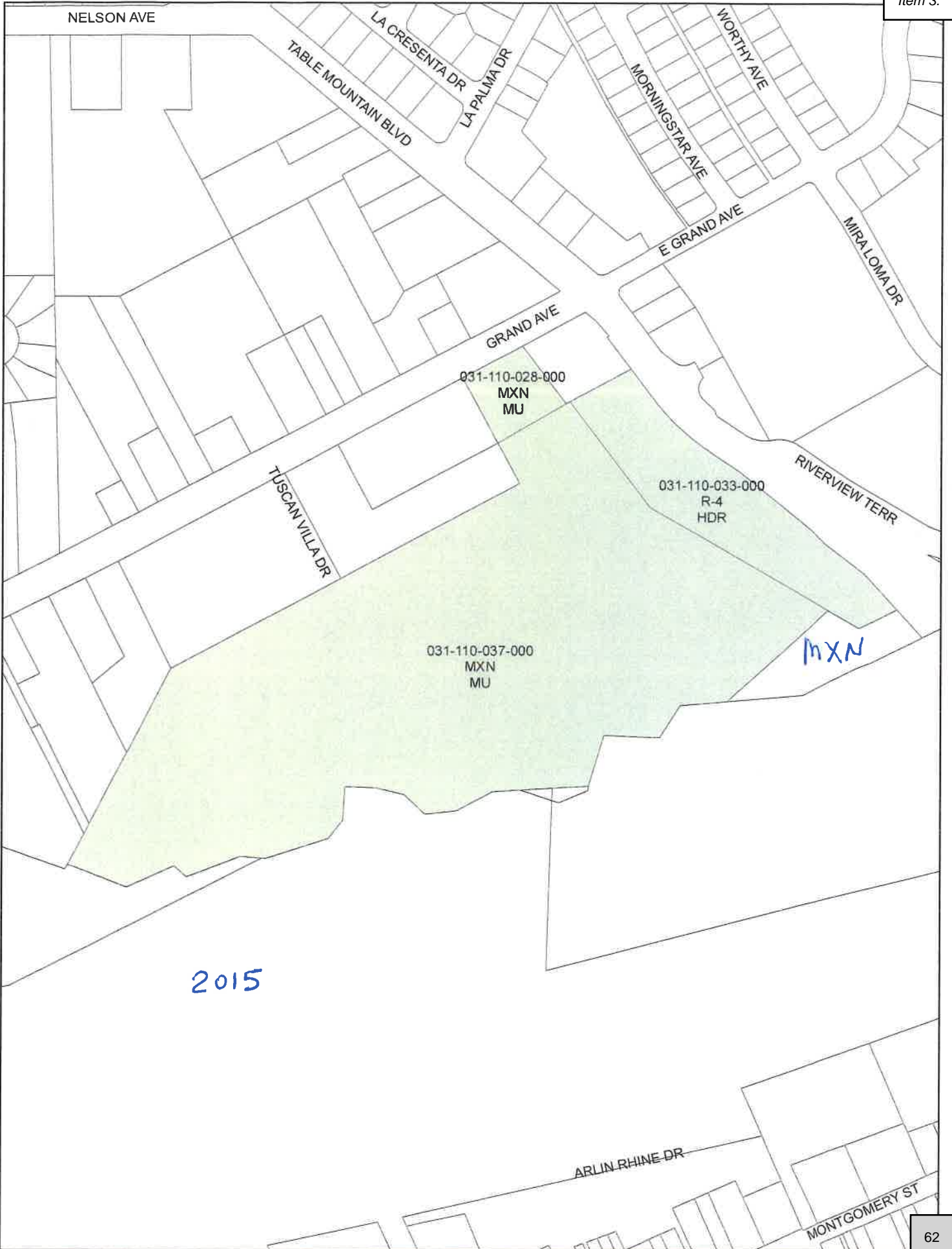
Wes, we trust that these actions will simplify the zoning.

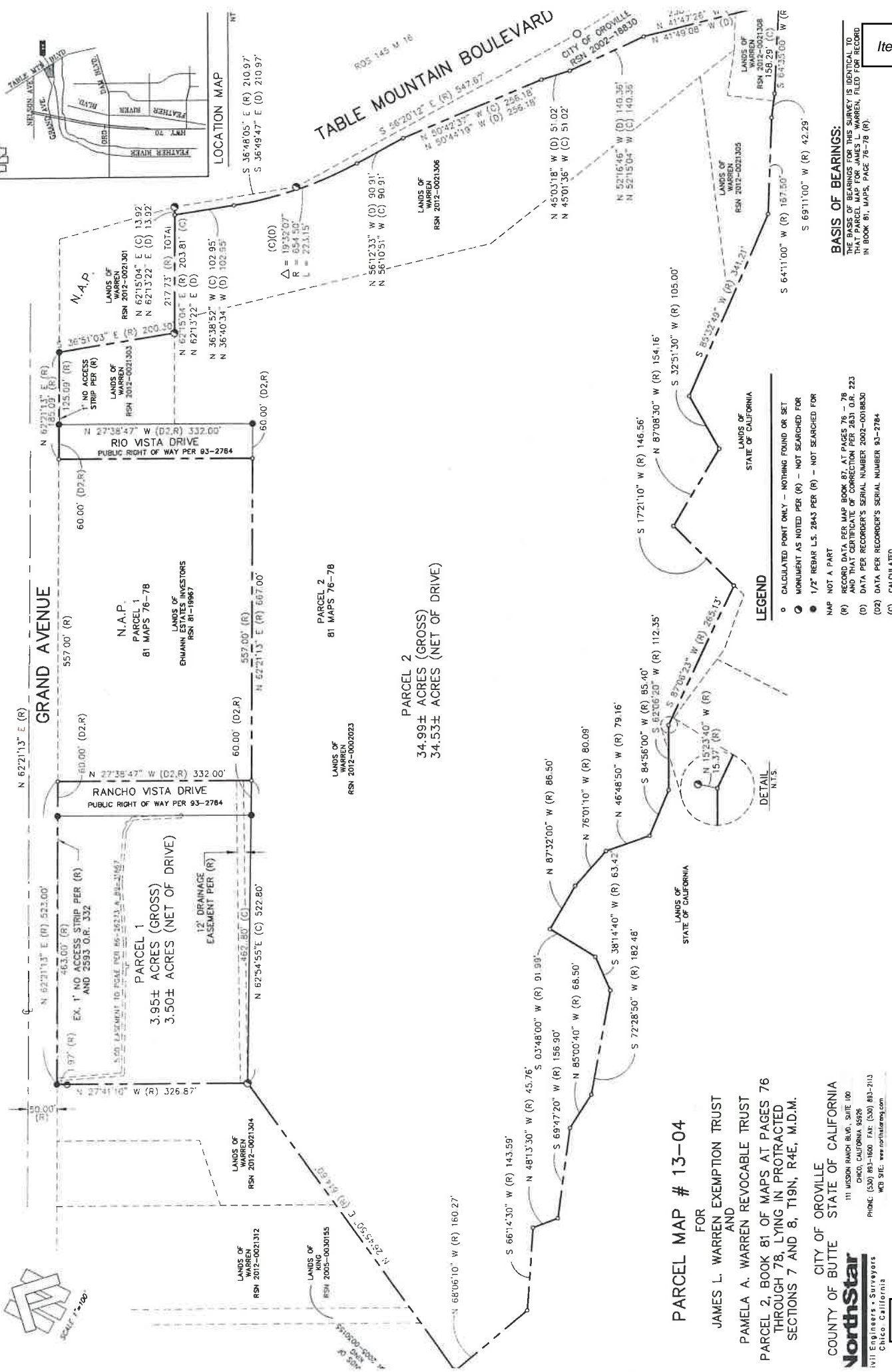
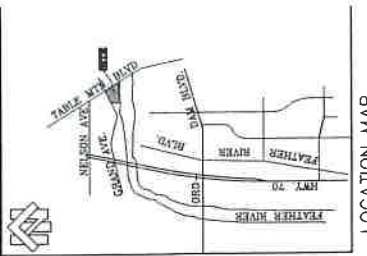
Sincerely,



Wes Ervin
City Planner

Cc: Leo DePaola, CDD Director
Dawn Nevers, CDD Assistant Director
Matt Thompson, City Engineer





PARCEL MAP # 13-04
FOR
JAMES L. WARREN EXEMPTION TRUST
AND
PAMELA A. WARREN REVOCABLE TRUST
PARCEL 2, BOOK 81 OF MAPS AT PAGES 76
THROUGH 78, LYING IN PROTRACTED
SECTIONS 7 AND 8, T19N, R4E, M.D.M.

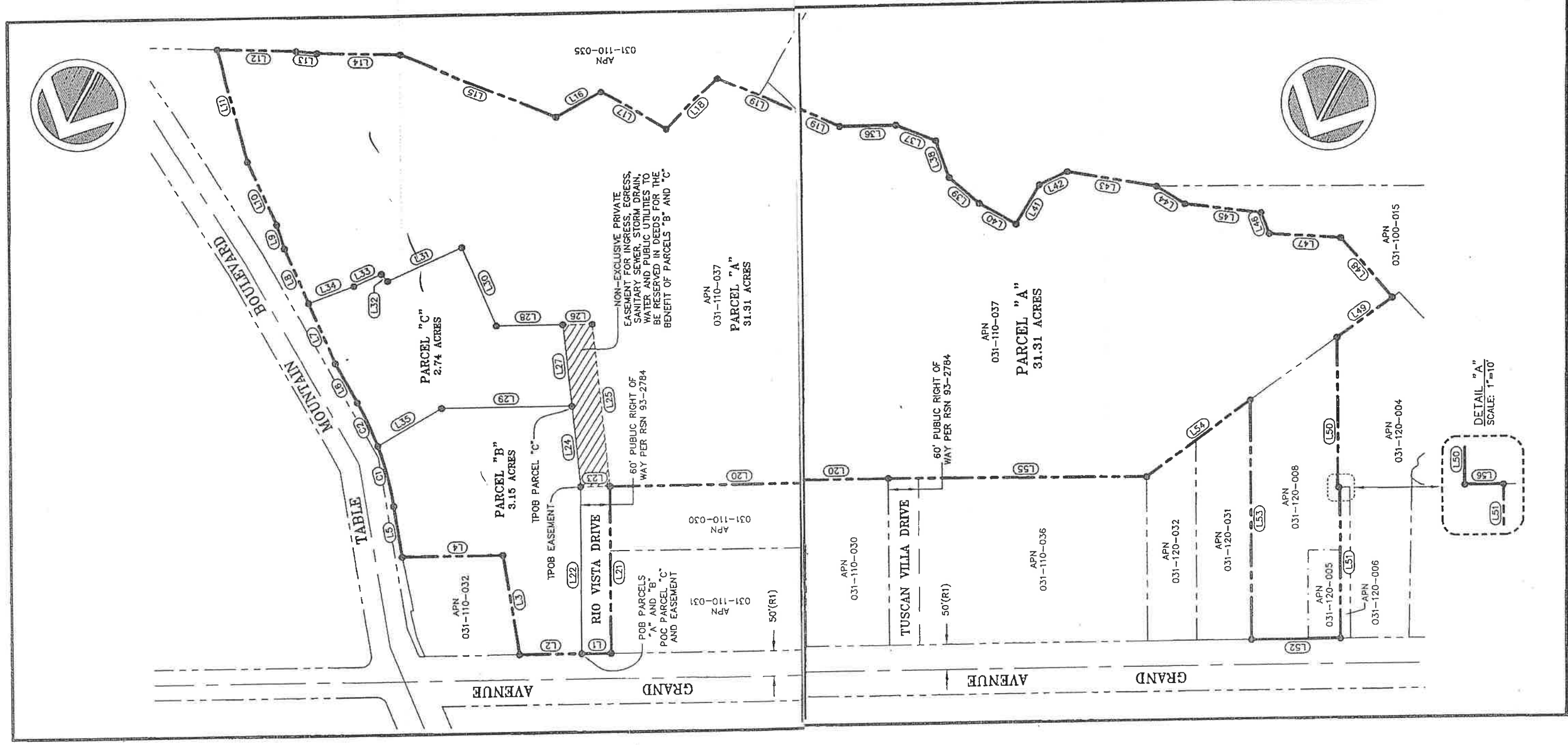
CITY OF OROVILLE
COUNTY OF BUTTE STATE OF CALIFORNIA

NorthStar
1111 MISSION RANCH BLVD., SUITE 100
CHICO, CALIFORNIA 95926
PHONE: (530) 893-1600 FAX: (530) 893-2013
WEB SITE: www.northstareng.com

FEBRUARY 2014
SHEET 2 OF 2

LEGEND

- CALCULATED POINT ONLY - NOTHING FOUND OR SET
- MONUMENT AS NOTED PER (R) - NOT SEARCHED FOR
- 1/2" REBAR L.S. 2843 PER (R) - NOT SEARCHED FOR
- MAP NOT A PART
- (R) RECORD DATA PER MAP BOOK 87, AT PAGES 76 - 78 AND THAT CERTIFICATE OF CORRECTION PER 2631 O.R. 223
- (D) DATA PER RECORDER'S SERIAL NUMBER 2002-001830
- (D2) DATA PER RECORDER'S SERIAL NUMBER 93-2784
- (C) CALCULATED



CITY OF OROVILLE COMMUNITY DEVELOPMENT DEPARTMENT

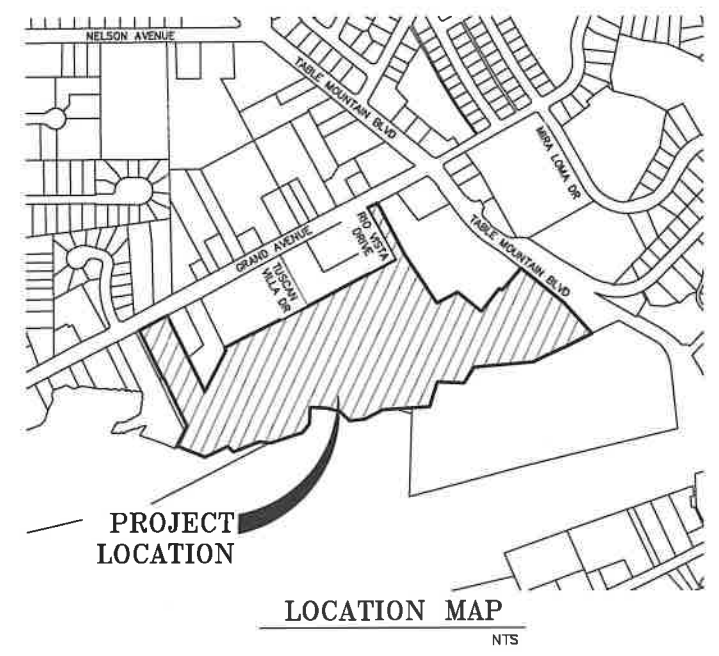
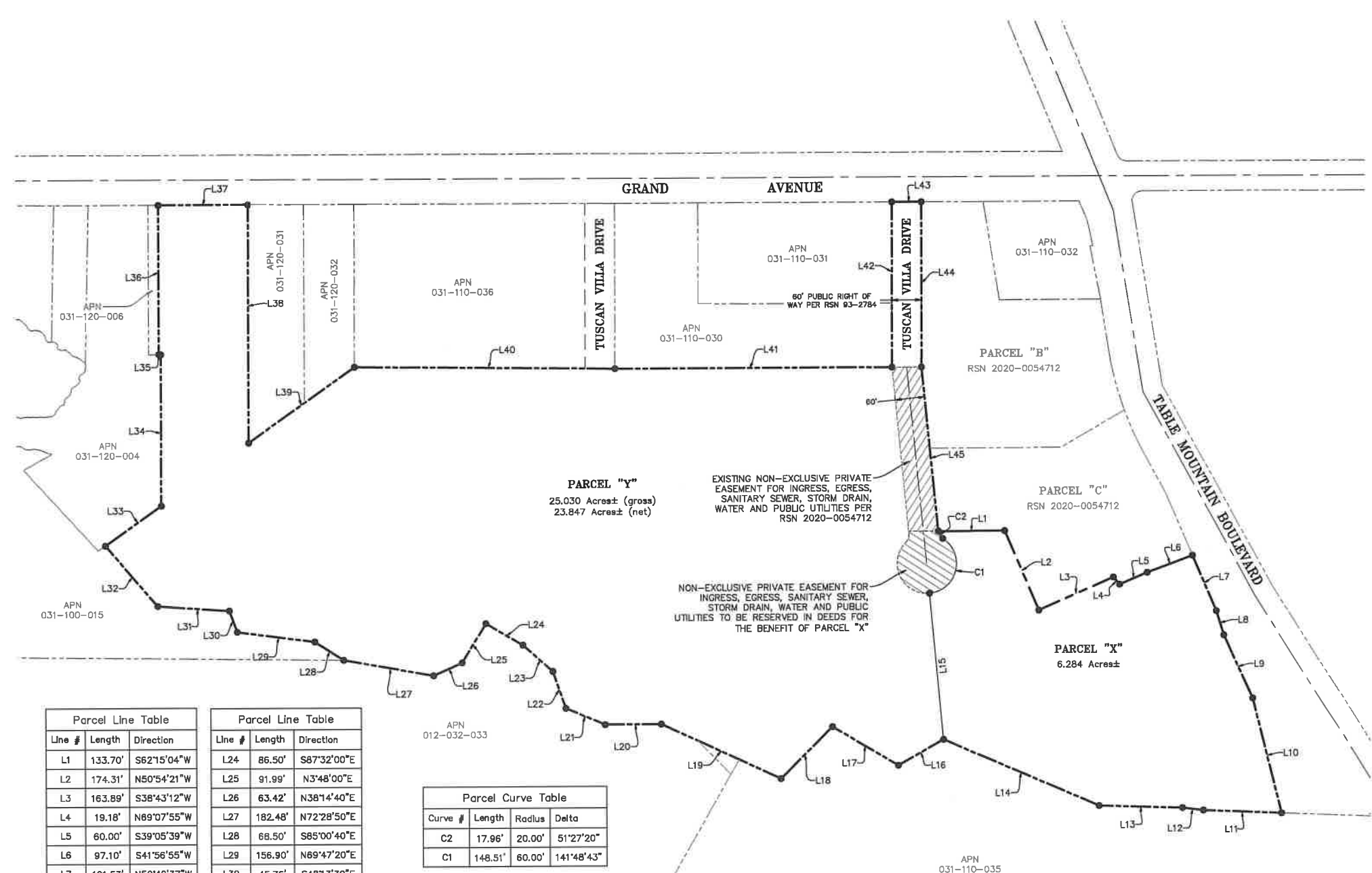
LOT LINE ADJUSTMENT NO. T-13
FOR
PENNY L. WARREN REVOCABLE TRUST, ET.AL.
(APNs 031-120-005, 008 AND APN
031-110-037 AND 038)

EXHIBIT "A"

DRAWN BY NM DATE NOV. 2020
CHECKED WEG SCALE 1"=200'

APPROVED MELL
CITY OF OROVILLE

SHEET 3 OF 4



Parcel Line Table			Parcel Line Table		
Line #	Length	Direction	Line #	Length	Direction
L1	133.70'	S62°15'04"W	L24	86.50'	S87°32'00"E
L2	174.31'	N50°54'21"W	L25	91.99'	N3°48'00"E
L3	163.89'	S38°43'12"W	L26	63.42'	N38°14'40"E
L4	19.18'	N89°07'55"W	L27	182.48'	N72°28'50"E
L5	60.00'	S39°05'39"W	L28	68.50'	S85°00'40"E
L6	97.10'	S41°56'55"W	L29	156.90'	N69°47'20"E
L7	121.53'	N50°42'37"W	L30	45.76'	S48°13'30"E
L8	51.02'	N45°01'36"W	L31	143.59'	N66°14'30"E
L9	140.36'	N52°15'04"W	L32	160.27'	S68°06'10"E
L10	238.60'	N41°47'26"W	L33	137.71'	S26°45'50"W
L11	158.29'	N64°35'00"E	L34	304.29'	S27°41'10"E
L12	42.29'	N69°11'00"E	L35	4.00'	N62°18'50"E
L13	167.50'	N64°11'00"E	L36	300.00'	S27°41'10"E
L14	341.21'	N85°32'49"E	L37	180.00'	N62°18'50"E
L15	295.92'	S33°01'28"E	L38	478.52'	S27°41'10"E
L16	105.00'	N32°51'30"E	L39	260.57'	S26°45'50"W
L17	154.16'	S87°08'30"E	L40	522.80'	S62°54'55"W
L18	146.56'	N17°21'10"E	L41	557.00'	S62°21'13"W
L19	265.13'	N87°06'23"E	L42	332.00'	S27°38'47"E
L20	112.35'	N62°06'20"E	L43	60.00'	S62°21'13"W
L21	85.40'	N84°56'00"E	L44	332.00'	N27°38'47"W
L22	79.16'	S46°48'50"E	L45	331.70'	S33°22'52"E
L23	80.09'	S76°01'10"E			

Parcel Curve Table			
Curve #	Length	Radius	Delta
C2	17.96'	20.00'	51°27'20"
C1	148.51'	60.00'	141°48'43"

- SUBDIVISION NOTES:**
- 1) PARCEL MAP INFORMATION:
TOTAL ACREAGE: 31.314 ACRES±
TOTAL NUMBER OF LOTS: 2
AVERAGE LOT SIZE: 15.657 ACRES±
 - 2) THE PARCEL MAP LIES IN FLOOD ZONE "X" AS SHOWN ON FIRM MAP NUMBER 06007C0795E DATED JANUARY 6, 2011.
 - 3) NO WELLS OR SEPTIC SYSTEMS ARE KNOWN TO EXIST ON THE PROPERTY.

THIS TENTATIVE WAIVER OF PARCEL MAP WAS PREPARED BY ME OR UNDER MY DIRECTION.
 BY: Wesley E. Gilbert DATE: 6/23/2021
 WESLEY E. GILBERT
 R.C.E. 31689
 EXPIRES: 12/31/22



ASSESSOR'S PARCEL NUMBERS:
 031-120-005 & 008
 031-110-037 (portion) & 038

OWNER:
 CHUCK TATREAU CONSTRUCTION, INC.
 1237 MANGROVE AVENUE,
 CHICO, CA 95926

LAND USE:
 PRESENT: AGRICULTURAL
 FUTURE: MULTI-FAMILY RESIDENTIAL

SUBDIVIDER:
 OLIVE RANCH APARTMENTS II LP
 1011 PARKVIEW AVENUE, SUITE A
 REDDING, CA 96001
 (530) 244-0596

ZONING:
 PRESENT: MXN/HD-0 AND R-4/HD-0
 FUTURE: MXN/HD-0 AND R-4/HD-0

UTILITIES:
 SANITARY SEWER: CITY OF OROVILLE
 WATER: THERMALITO WATER & SEWER DISTRICT
 POWER: PACIFIC GAS & ELECTRIC
 COMMUNICATIONS: AT&T
 CABLE TV: COMCAST
 STORM DRAIN: CITY OF OROVILLE

ENGINEER:
 W. GILBERT ENGINEERING
 WESLEY E. GILBERT, R.C.E. 31689
 140 YELLOWSTONE DRIVE, SUITE 110
 CHICO, CALIFORNIA 95973
 (530) 809-1315

TENTATIVE WAIVER OF PARCEL MAP
 FOR
 OLIVE RANCH APARTMENTS II LP
 BEING ALL OF PARCEL "A" AS SHOWN IN THAT CERTAIN
 CERTIFICATE OF COMPLIANCE NO. T-13 RECORDED UNDER BUTTE
 COUNTY RECORDER'S SERIAL NUMBER RSN 2020-0054713
 CITY OF OROVILLE, COUNTY OF BUTTE
 STATE OF CALIFORNIA
 W. GILBERT ENGINEERING
 140 YELLOWSTONE DRIVE, SUITE 110
 CHICO, CALIFORNIA 95973
 (530) 809-1315



City of Oroville

Leonardo DePaola
Community Development Director

COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2436 FAX (530) 538-2426
www.cityoforoville.org

PLANNING COMMISSION STAFF REPORT

Thursday, July 22, 2021

RE: Zoning Code Change to Allow Appellants a Specific Response Time

SUMMARY: The Oroville Planning Commission will review and consider recommending that the City Council revise OMC 17.56.100 to allow an appellant up to 20 minutes to present his or her case, and up to another 10 minutes to deliver any rebuttal remarks.

RECOMMENDATION: Staff recommends the following actions:

1. **Recommend that the City Council Approve** the specified changes to OMC 17.56.100;

APPLICANTS: Requested by the Mayor to be initiated by the City Council.

LOCATION: city-wide

GENERAL PLAN: n/a

ZONING: n/a

FLOOD ZONE: n/a

ENVIRONMENTAL DETERMINATION: This zoning change is not a project under CEQA since it has no possibility of having a direct or indirect effect on the environment.

REPORT PREPARED BY:

Wes Ervin, City Planner
Community Development Department

REVIEWED BY:

Dawn Nevers, Assistant Director
Community Development Department

A. DISCUSSION

At a recent City Council appeal hearing there was some confusion as to the amount of time to be granted the appellant during the hearing of their matter. Appeal testimony time limits are not specified in the Oroville Municipal Code. Though the appellant at this appeal was given adequate time to present his case, the Mayor and City Administrator have since requested codification of the time limits.

Staff have discussed the matter, and suggest the applicant be given up to 20 minutes to present his or her case, and after other testimony, up to another 10 minutes if

needed to rebut.

Per Zoning Code OMC 17.56.090 B, an amendment or rezoning may be initiated by a Resolution of Intention by either the Planning Commission or the City Council, or by a person affected by the amendment. In this case the request is via the Mayor, so the Council should initiate the amendment.

B. RECOMMENDATION

Staff recommends the Planning Commission forward their concurrence with the recommended changes to the City Council.

C. FISCAL IMPACT

none

ATTACHMENTS

1. Proposed Zoning Ordinance
2. Suggested Resolution of Intention by the City Council

**CITY OF OROVILLE
ORDINANCE NO. **xxxx****

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE
AMENDING SECTION 17.56.100 OF THE ZONING CODE OF THE CITY OF
OROVILLE TO ADD TIME LIMITS FOR APPELLANT TESTIMONY**

The council of the City of Oroville do ordain as follows:

Section 1. Oroville Zoning Code Section 17.56.100 is hereby amended to read as follows:

17.56.100 Appeals

When this chapter provides for an appeal of an action, the **appeals** process shall be as follows:

A. Appeals to Planning Commission.

1. If the applicant or any other person is dissatisfied with an action of the zoning administrator, city engineer, director of parks and trees, fire chief, or development review committee, and that action pertains to the requirements of this title, he or she may appeal, in writing, to the planning commission within 15 days after the action. If no appeal is filed, the action shall be final.

2. Within 45 days of the filing of an appeal, the planning commission shall hold a public hearing to consider the action and the appeal of that action. The planning commission shall render its decision within 30 days of the public hearing, and it shall provide immediate verbal notice of the decision. If the planning commission's decision is not appealed, the decision shall be final.

3. **At the appeal hearing, the Commission shall allow appellant up to 20 minutes to present his or her case, and another 10 minutes to deliver any rebuttal remarks.**

B. Appeals to City Council.

1. If the applicant or any other person is dissatisfied with a historic advisory commission or planning commission action, he or she may appeal, in writing, to the city council within 15 days after the action. If no appeal is filed, the historic advisory commission or planning commission's action shall be final.

2. Within 45 days of the filing of an appeal, the city council shall hold a public hearing to consider the action taken by the planning commission and the appeal of that action. The city council shall render its decision within 30 days of the public hearing, and it shall provide immediate verbal notice of this decision. The decision shall be final.

3. **At the appeal hearing, the city council shall allow appellant up to 20 minutes to present his or her case, and another 10 minutes to deliver any rebuttal remarks.**

C. **Form of Appeals.** All **appeals** shall be submitted in a form established by the zoning administrator, accompanied by a fee established by resolution of the city council. (Ord. 1749 § 4; Ord. 1790 § 2)

Section 2. This ordinance shall become effective thirty days after the second reading, or **October 1, 2021**, whichever comes later.

Section 3. The City Clerk shall attest to the adoption of this ordinance.

PASSED AND ADOPTED by the City Council of the City of Oroville at a meeting on **August 5, 2021.**

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor, Chuck Reynolds

APPROVED AS TO FORM: ATTEST:

City Attorney, Scott E Huber

City Clerk, Jackie Glover

CITY OF OROVILLE RESOLUTION OF INTENTION NO. xxxx

**A RESOLUTION OF INTENTION OF THE OROVILLE CITY COUNCIL
RECOMMENDING THAT SECTION 17.56.100 OF THE ZONING CODE OF THE CITY
OF OROVILLE BE AMENDED**

WHEREAS, pursuant to Section 17.56.090 B of the Oroville Municipal Code, amendments to the City's zoning regulations may be initiated by the Oroville City Council; and

WHEREAS, the City's zoning ordinance does not currently reference a time limit for appellants to testify, and

WHEREAS, the City Council is proposing to codify the time limits for appellant testimony, and

WHEREAS, the Oroville Planning Commission held a noticed public hearing regarding a proposal to amend certain sections of the City of Oroville's zoning code regarding appeal hearings, and forwarded a recommendation to the City Council to approve the change; and

WHEREAS, no adverse comments were received from the public about the described zoning amendments; and

NOW, THEREFORE, BE IT RESOLVED by the Oroville City Council as follows:

Section 1. The public interest and welfare would be served by amending Oroville's Zoning regulations as described in this resolution for two reasons:

A. Amending the regulations as proposed will provide more clarity and direction when hearing appeals by either the Planning Commission or the City Council.

B. The City Council finds that the action is not a project under the California Environmental Quality Act.

Section 2: The Council shall enact an ordinance affecting the desired code change.

SECTION 3: The City Clerk shall attest to the adoption of this ordinance.

PASSED AND ADOPTED by the City Council of the City of Oroville at a meeting on August 3, 2021.

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor, Chuck Reynolds

APPROVED AS TO FORM: ATTEST:

City Attorney, Scott E Huber

Assistant City Clerk, Jackie Glover

Photo of EW Fogg – Presentation of Oroville’s Orange and Olive Groves and their relation to EW Fogg and Freda Ehmann

